

Goodword

Islamic Studies

A Graded Course
Grade 10

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UNIT

5

The Status of Women

(I) THE STATUS OF WOMEN IN PRE-QURANIC TIMES

The period before the revelation of the Quran is usually called the '*jahilyiah*' period, or the 'period of ignorance', as people led their lives without the revealed guidance of Allah. Society, nomadic and patriarchal, consisted of many tribes each with a sheikh as the head. All the importance was given to men and women were treated merely as commodities or property to be disposed of at the whims of men.

Women were married or divorced at the will of the menfolk, without there being any restriction on the number of wives a man could have. It was not unusual for a son to marry the widows of his dead father. Women were not valued at all and female infanticide was also practiced. Little girls were buried in the sands of the desert and left to die.

Women had no legal right to the property of their fathers and husbands. There were some exceptional and enterprising women like Khadija, but society in general was completely male-dominated.

The Quran and the traditions of the Prophet offer the best description of the women's status and the instructions and guidelines to reform society through the revealed guidance. Quranic law banned infanticide and strictly put a full stop to men marrying more than four wives at a time, and that too under special conditions. Definite laws were formulated to regulate marriage contracts, the property of women, rights to inheritance, equality in status and protection from any form of exploitation and abuse.

The reform brought about by Islam radically changed the position of women in society, making them partners and helpmates of men.

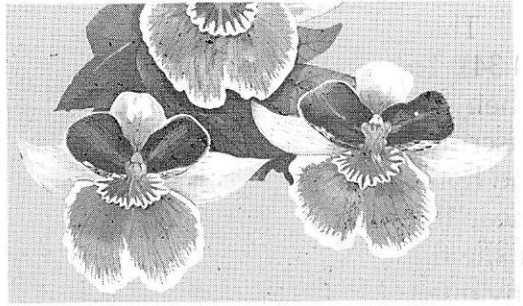
(II) THE RIGHTS OF WOMEN IN ISLAM

(a) Equality in Status

A study of the Quran and Hadith tells us that in Islam a woman enjoys the same status as that of a man. The Quran says:

"You are members, one of another." (3:195)

There is no difference between the two as regards status, rights and blessings, both in this world and in the Hereafter.



The first verse that we find in the Quran on this subject is as follows: 'Mankind, fear your Lord who created you from one soul and created man's mate from the same

soul, from these two scattering on earth many men and women. Fear God, in whose name you entreat one another, and be careful not to sever your ties of kinship. God is watching over what you do.' (4:1)

This verse of the Quran tells us that God created man and woman from the same soul, that is, from the same substance. The entire human race came from Adam and Eve, the first man and the first woman. Looked at in this way, human beings on this earth are blood brothers and blood sisters.

Another verse of the Quran reads:

'It is He who created you from a single soul and made from him his mate so that he might find comfort in her.' (7:89)

This verse stresses what man and woman have in common, that is, both are a source of comfort to one another.

The word 'comfort' relates to all the activities of life, meaning thereby that God created men and women in such a way that they assist one another in all matters of life, in order to go on life's journey peacefully and successfully.

There is another verse in the Quran which tells us that men and women have equal status in the eyes of God. Neither is superior to the other.

"I will not let the deeds of any doer among you go to waste, be he male or female. You are members, one of another." (3:195)

Abdullah Yusuf Ali, the well known commentator on the Quran, remarks in his commentary on this verse:

"In Islam the equal status of the sexes is not only recognised but insisted on. If sex distinction, which is a distinction in nature, does not count in spiritual matters, artificial distinctions, such as rank, wealth, position, race, colour, birth, etc., would count even less."

Thus it will be the very same virtues in thought, word and deed which will be prerequisites for both sexes to enter Paradise. If the qualities of piety, humility, honesty, patience and compassion are demanded of men, they will in like measure be demanded of women.

There is a hadith which also explains that “women are the other half of men.” That is, they are equal halves of one another.

The Quran says that men are in charge of, that is, ‘maintainers’ of women (4:34). This does not mean that men have a distinctive status over women. Their being maintainers of women has never been intended as a form of discriminatory treatment. It rather concerns the practical management of the home, for which the man is held responsible. However, this does not mean that a woman will never be allowed to shoulder these responsibilities. If she finds that she can bear this burden, no objection will be raised from any quarter. One example of this can be found in the Quran with reference to the people of Sheba. They lived in Yemen. The famous dam of Marib made their country very prosperous and enabled it to attain a high degree of civilization. The Quran tells us that they were ruled by a woman (27:23) without disapproving of her rule. Bilqis, the Queen of Sheba was very wise and sagacious, even more so than the men in her court. She did not want to embroil her country in war, while the men advised her to confront her enemies, namely, Solomon’s army. Abdullah Yusuf Ali writes: “In Bilqis we have a picture of womanhood, gentle, prudent, and able to tame the wilder passions of her subjects.”

It is an accepted principle with the commentators of the Quran that when the Quran reports something without any disapproval, that means that it has divine approval.

So when we look at this incident in the light of the Quran, we find the status of woman even higher than that of men. A woman is in charge of men and she has been highly effectual in shouldering this responsibility.

Thus the example of the Queen of Sheba having been mentioned in the Quran shows that rulership is not man’s monopoly. A woman can be a ‘*qawwam*’ over a man and the Quran has itself testified to it.

(b) A Woman’s Inheritance

Islam recognizes the equal status of man and woman in the eyes of God. Therefore, women have their own legal standing under Muslim law. They are given the right to own property, dispose of it, inherit from their relatives and keep to themselves their own earnings, which they can spend in any way they wish.

Women play many roles in society: they are daughters, sisters, mothers and wives to men. In their different capacities they are allowed a share in the properties of their relatives in proportions fixed by the Quran and explained in the traditions or legal literature.

Most of the guidance relating to the inheritance of women is contained in the fourth chapter entitled ‘Woman’. The Quran says: ‘Allah (thus) directs you as regards your children’s (inheritance): to the male, a portion equal to

that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is half...' (4:11).

The next verse of the same chapter deals with the shares of husband and wife: 'In what your wives leave, your share is half, if they leave no child; But if they leave a child, you receive a fourth; after payment of legacies and debts. In what you leave, their share is a fourth, if you leave no child; but if you leave a child, they receive an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah: And Allah is All-knowing, Most Forbearing."

Women also have a right to make a will in the same way men are given this right and on the very same condition as men: that not more than one-third of the property shall be bequeathed and that those who will inherit as heirs shall not be entitled to take under the bequest.

It is a grave sin to usurp the property of an orphan and even more so if the orphan is a helpless girl. To protect the weaker sections of society, Islamic revelation has given special emphasis to points that bring out the importance of giving due rights to these sections, including women.

(c) Freedom in Marriage

In Islam, marriage is a contract between two parties: a man and a woman. An essential condition is the willing consent of the contracting parties. To safeguard the interests of the parties, especially the weaker sex, the woman is allowed to have a husband of her own choice and cannot be united in marriage without her consent. The Prophet said, 'No widow should be married without consulting her and no virgin without consent and consent is her silence.' The marriage is dissolved if she declares that it was without her consent.

The dower (*mahr*) must be mentioned in the *nikah* contract and a woman is entitled to her dower. Though a man is allowed to marry four women, he is instructed to give equal love and affection to, as well as make financial provision for all the wives. A wife, however, can have the right to divorce inserted as a proviso in her marriage contract. In case of divorce initiated by her husband, the wife keeps her *mahr* and also if the children are small, receives a stipend for their upbringing from the father.

Under no condition can the wife be treated as a commodity. The husband must be kind and caring and see to her economic needs. However, a woman's



personal earnings are her own, which she can use as she chooses. Similarly, any property bestowed on or inherited by her, is hers by law and she can dispose of it as she pleases.

(d) Mutual Rights Between Man and Woman

The Quran and the law derived from it, give detailed guidance on the mutual rights of man and woman. A woman has rights over a man as a wife, daughter and mother and the man, while claiming his rights over a woman, should offer her such protection as is commensurate her status within the family.

The fundamental principle with regard to women is that they should be held in honour ; the mother that bore us must be revered; the wife who is our best companion should be treated well. Men and women are quite equal to each other in their origin : ‘O you mankind! Fear your Lord who created you from a single soul and He created thereof its spouse and from the pair of them spread across the earth many men and women’ (4:1)

The fourth chapter of the Quran deals with women. It begins with an appeal to the solidarity of mankind, the rights of women and orphans and the complexity of family relationships. It recognizes the rights of women pertaining to marriage, property and inheritance. Women as human beings are entitled to similar rights to life, honour and property as men. Sex distinction, which is a distinction in nature, does not count in spiritual matters. The reward for both sexes for their good deeds is similar. Both men and women are considered members of a family.

Says Quran, ‘I will not let go waste the deed of a worker amongst you male or female, one of you being from the other’ (3:195)

The equal status of the sexes is thus recognized in spiritual matters and they are also equal in their rights to live an honourable life. The position of a woman as a mother is highly exalted and, according to the Prophet, ‘Paradise lies underneath the feet of mothers.’ And man is enjoined to be kind to his parents and particularly to the mother who bore him in pain (46:15). So far as wives are concerned the Quran says: “Live with them on a footing of kindness.” (4:19) According to a saying of the Prophet: ‘Best amongst you is one who is good to his wife.’

In short, man and woman are so closely attached to each other that they are treated as each other’s garments.(2:187) In other words they are for mutual support and mutual protection, fitting each other as a garment fits the body.

(e) The Significance of *Mahr* (Dower)

Islam has successfully maintained an even balance in society between men and women by endorsing a practical division of labour, whereby women

are placed in charge of the internal arrangement of the household, while men are responsible for its financing. The home is thus organized on the pattern of a microcosmic estate, with the man in a position of authority. The Quran is specific on this issue: 'Men are the protectors and maintainers of women, because God has made some of them to excell others and because they support them from their means. All the righteous women are the truly devout ones, who guard the intimacy which God has (ordained to be) guarded.' (4:34)

Mahr Mu'ajjal

At the time of the marriage, the groom hands over to the bride a sum of money called *mahr* (dower) which is a token of his willing acceptance of the responsibility of bearing all the necessary expenses of his wife. There are two ways of presenting *mahr* to the bride. One is to hand it over at the time of the marriage, in which case it is known as *mahr mu 'ajjal*, or promptly given dower. (The word *mu 'ajjal* is derived from *'ajilah*, meaning "without delay.") During the time of the Prophet and his Companions, *mahr mu 'ajjal* was the accepted practice and the amount fixed was generally quite minimal. The giving of *mahr* by 'Ali to Fatimah, the Prophet's daughter, is an illustration of how this custom was respected. After the marriage had been arranged, the Prophet asked 'Ali if he had anything he could give as dower in order to make Fatimah his lawfully wedded wife. Ali replied, "By God, I have nothing, O Messenger of God." The Prophet then asked, "Where is the coat of armour I once gave you?" 'Ali replied that it was still in his possession (although he later admitted "by the Master of his soul" that it was in a dilapidated condition and, as such, was not even worth four *dirhams*). The Prophet then instructed him "since I have married you to Fatimah" - to send the coat of armour to Fatimah, thereby making his union lawful. This then was the sum total of Fatimah's dower.

Another way of giving dower, according to the *shari 'ah*, is to hand it over, not on the occasion of the marriage, but after a certain period of time, the duration of which is fixed by the man. This has to be settled at the time of the marriage if *mahr* is not to be handed over immediately. This form of dower is called *mahr mu'ajjal*, "a period of time." This has often been wilfully misinterpreted as implying an indefinite postponement of the giving of dower. But this is quite erroneous, for a definite date has always to be fixed for the discharging of this responsibility.

Mahr mu'ajjal, however, can take the form of some service performed by the husband, one notable example of which was the grazing of cattle by the Prophet Moses. When Moses left Egypt for Madyan, he married Safoora, the daughter of the Prophet Shu 'ayb. His *mahr mu'ajjal* was settled and paid off by binding himself to grazing the cattle of his elderly father-in-law for a

period of eight to ten years. Only after performing this service for a full ten years did he leave Madyan for Egypt.

The Opinions of Jurists

The system of dower favoured by the *shari'ah* entails the immediate handing over of *mahr*. This was the practice followed by all of the Prophet's Companions. Deferred dower is an alternative, but is not ranked equal in merit with a prompt discharging of this responsibility. It is simply a form of concession made to those who are unable to meet the requirements of *mahr* at the time of marriage.

No Heavy Burden

The dower, which may be in cash or in kind, has to be fixed taking into account the bridegroom's position in life. That is, it should never be more than he is easily able to afford, whether it be a lump sum in cash or some article of value. The jurists have different views to offer on what the minimum amount should be, but they are agreed that it should be substantial enough for something to be bought against it. Any amount which is sufficient for a purchase is acceptable as dower.

There are no traditions which encourage an increase in the dower, whereas there are many traditions which enjoin the fixing of smaller dowries. In all such cases, Islam lays down guidelines rather than issue strict commandments. That is why Islam has not totally forbidden any increase in the dowry, and it is left to tradition to carry on the principle of fixing smaller sums. There is a well known saying of the Prophet Muhammad, according to 'Abdullah ibn 'Abbas, that "the best woman is one whose dower is the easiest to pay."

'Aishah was once asked how much dower the Prophet gave his wives. She replied that it was 12 *auqiyah* and 1 *nash* (one *nash* being equal to half an *auqiyah*, that is, about 500 *dirhams*). This was the only dower of the Prophet Muhammad for his wives. "But," she added, 'Umm Habiba's dower consisted of 4000 *dirhams*, this sum having been fixed by the Christian King of Abyssinia, Najashi, who had performed this marriage by proxy."

The Companions and their Marriages

In the first era of Islam, marriage was a simple affair, without pomp or ceremony. Any expenditure incurred in its performance being quite minimal, it did not become a burden on either family. In keeping with this principle, the wedding celebrations of the Companions were quite free of any ostentation. There is a saying of the Prophet that "the most blessed marriage is one in which the marriage partners place the least burden on each other."

The simplicity which marked the occasion of marriage in the days of the Prophet is well illustrated by 'Abdur Rahman ibn 'Auf, one of the foremost of the Prophet's Companions, who was married in Madinah with as little ceremony as possible, not even thinking it necessary to invite the Prophet or any of the Companions. Imam Ahmad tells of how the Prophet came to know that 'Abdur Rahman was married: 'Abdur Rahman ibn 'Auf came to the Prophet with the scent of saffron upon him, and when the Prophet asked him about this, he said, "I have married." The Prophet then enquired as to how much dower he had given his bride. "Gold equal in weight to one date stone," he replied.

As mentioned above, there are only two lawful forms of dower in Islam, one being *mahr mu'ajjal*, which is handed over at the time of the marriage, and the other being *mahr mu'ajjal*, which is to be given after, but at a definite point in time. That is, the man must fix a date for its payment, and must abide by it. The third custom, according to which a dower is to be given, without any time being appointed for the fulfillment of this due, is not in accordance with the Islamic shari'ah. Whatever is done on this basis is certainly unlawful.

QUESTIONS

(i) The status of women in pre-quranic times.

1. How did men treat the women in pre-quranic times?
2. Did the women have any right over their own person or property?
3. What was the fate of girls and women in that period?
4. Did the women have any social or economic security in those days?
5. How were the women exploited and abused?

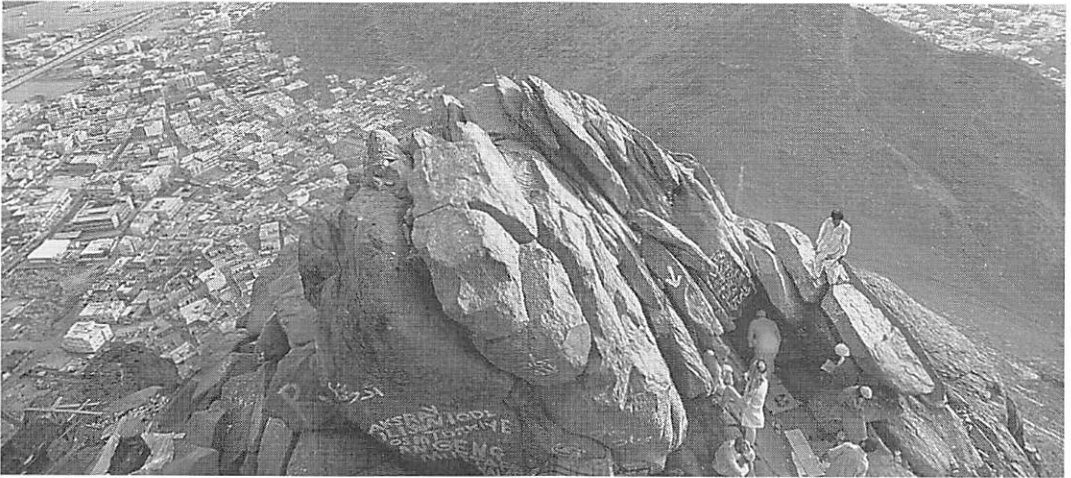
(ii) The rights of women in Islam

1. 'In Islam the status of women and men is equal.' Explain.
2. What changes in the status of women did Islam bring about?
3. Write on a woman's right to inheritance in Islam.
4. Is a woman allowed to inherit or make bequests in Islam?
5. 'A Woman's earnings are her own to dispose of.' Elaborate.
6. How does Islam provide women with the right to freedom in consent to marriage?
7. What are the mutual rights between man and woman?
8. How do the men have to look after women and offer them protection?
9. What is '*mehr*'?
10. Is '*mehr*' integral to the validity of the marriage contract (*nikah*)?

An Introduction to the Quran

(I) WHAT IS REVELATION?

The Quran is composed of verbal revelations made to Muhammad, the Prophet of Islam over a period of twenty three years at Makkah (610-622) and Madinah (622-632). (The arrangement of the Quran is not in accordance with the chronological order of the revelation. The first revelation was verses 2-6 of Chapter 96. The last chapter revealed was chapter 110.)



The word used for Islamic revelation is *wahy*. The literal meanings of *wahy* are to intimate or indicate; to communicate; to inspire; to instil in somebody's heart or to converse secretly. The basic sense, however, of the word *wahy* is to talk to others privately or to communicate silently.

The word *wahy* has been used in the Quran with different meanings, for example, to convey some message to the heart:

'We infused this into the (mind of) Musa's mother.' (28:7);

in the assignment of duties to both living and non-living things:

'And thy Lord commanded the Bee to build its cells in the hills.' (16:68)

'And He assigned to each heaven its duty and command.' (41:12);

and in silent converse:

'Then (Zakariyya) came out from the shrine and told them by signs to give glory to their Lord morning and evening.' (19:11)

In the instances mentioned above, the word *wahy* is used in its literal sense. But the word *wahy* has been used more often in the Quran for the divine revelation made to the prophets:

"Surely we have revealed (awhaina) to thee as we revealed to Noah and the Prophet after him.....". (4:163)

"Then we revealed to Musa to strike the Sea with his staff." (7:31)

"And we revealed to Noah." (11:36)

Forms of Revelation

The Quran is composed of *wahy matlu*, the recited words, and the traditions (*ahadith*) are composed of *wahy ghair matlu*, i.e. divine communication with the heart.

The Quran states:

'He (Muhammad) does not speak out of his own fancy. This is no other than an inspired revelation. He is taught by one who is powerful and mighty.' (53:1)

The external inspiration or *wahy matlu* has been divided into three categories.

1. *Wahy Quran*, that which was given by word of mouth by the angel Gabriel and which reached the ear of the Prophet after he knew it that it was Gabriel who spoke to him.

2. *Isharatul Malik*: that which was received from Gabriel, but not by word of mouth. On such occasions the Prophet said: 'The Holy Ghost has breathed into my heart.'

3. *Ilham*, or *Wahi Qalbi*: That which was made known to the Prophet by the light of prophecy.

Ilham, or the inspiration of the *sufis*, should not be confused with the *ilham* of the Prophets. *Wahy matlu* is to be recited and forms part of the Quran, while *wahy ghair matlu* is the *wahy* which is meant to be read rather than recited. This is preserved in the form of the authentic traditions.

So far as *wahy matlu* is concerned, it has reached us without the slightest possible error. The whole of it is preserved in the form of the Quran. But so far as *wahy ghair matlu*, or the traditions, is concerned, the actual wordings of

the sayings have not been preserved intact in every case.

The following are the different ways by which, according to the Quran, God has communicated with His messengers, including the holy Prophet:

‘It is not vouchsafed to any man that Allah should speak to him except by revelation, or from behind a veil, or through a messenger sent and authorized by Him to reveal His will.’ (42:51)

Other differences between *wahy matlu* and *wahy ghair matlu* is as follows:

Wahy ghair matlu is the suggestion instilled by Allah into the heart or mind of His messengers. The Prophet understands the substance of the message. It may be a command or prohibition or an explanation of a truth.

(a) *Wahy matlu* may be a verbal or literal revelation by which the actual words of God are conveyed to man in human language. This is also known as *wahy jali* (the apparent revelation); (b) the second way Allah communicates with a man who is a prophet, is by speaking from behind a veil; (c) the third way is through a messenger, i.e. the angel Gabriel brings the revelations to the Holy Prophet.

The Hadith mentions following ways of revelations being made:

1. *Al-Ruya al Sadiqa* (true dreams)

According to a hadith, the true dreams are a 46th part of prophethood. Aisha, the Prophet’s wife, observed that the commencement of the divine revelation to the Messenger of Allah was in the form of a true dream, which came true as the day dawned.

2. ‘*From behind a veil*’ - The second way of communication from God to man is ‘from behind a veil.’ (38:51) Some scholars say that this refers to dreams and visions, because a certain light is shown in this case which has a deeper meaning than that which appears on the surface. The dreams mentioned in chapter 12 of the Quran are an illustration of this. It is through dreams or visions that God reveals certain truths.

This also refers to the case of Musa with whom God spoke while He remained invisible to him. (20:13)

3. *Through a messenger* - An angel used to make suggestions directly to the heart of the Prophet, while remaining invisible to him. As the Prophet said:

‘The angel Gabriel has suggested to my heart that no living being would pass away until he had lived out the life destined for him in the world.’

According to a Hadith the Prophet observed: ‘Sometimes the revelation comes like the ringing of a bell (*salsalatul jars*). This type of revelation is the hardest of all and when I have grasped what is revealed, this condition passes away.’

Commenting upon this type of revelation, Aisha says: 'I saw the Prophet receiving a revelation on a very cold day and noticed that the sweat was dropping from his forehead. This condition lasted till the revelation was over.'

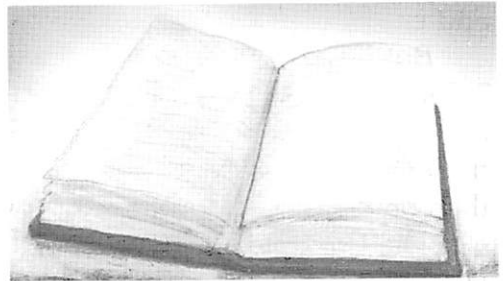
According to the *Sahaba*, the Prophet's body used to become very weighty during such a revelation, to the extent that the camel on which he was riding used to sit down due to the increased load.

The Prophet would hang his head and his companions would do the same, and when that condition was over, he would raise up his head. Sometimes the Angel came in the form of a man. The Angel also visited the Prophet at times in the shape of the Prophet's companion, Dahiya Kalbi.

(II) THE CHAIN OF REVELATIONS

(a) The *Towrah*

The term *Towrah* is simply the Arabic equivalent for the Hebrew Torah, and normally understood as 'The Law' given by God to the Prophet Musa. The Quran gives abundant testimony to the *Towrah*, and it is mentioned more than any other revealed book. Sometimes it is simply called 'The Law'.



'We have revealed the Torah having guidance and light. By it, the prophets who surrendered themselves to Allah judged the Jews, and so did the rabbis and the divines, by what they were required to guard of Allah's books, and to what they are witnesses.

'Have no fear of people: fear Me, and do not take a small price for My revelations. Unbelievers are those who do not judge in accordance with Allah's revelations.

'(In the Torah) we decreed for them a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds punishment. But if a man charitably forbears from retaliation, his remission shall atone for him. Transgressors are those that do not judge in accordance with Allah's revelations.' (5:44-46).

From this quotation it can be seen that the Quran calling the *Towrah* a book of 'guidance and light' testifies that God had revealed it as the Law for the Jews.

Sometimes in the Quran, the name Towrah refers not only to the books of the Prophet Musa, but to the entire Hebrew scripture of the Jews, especially in the verses, which mention the Towrah and Injil together. 'He has revealed unto you (Muhammad) the scripture with truth, confirming that which was (revealed) before it, even as He revealed the Torah and the Injil.' (3:3).

When the Quran uses the expression 'People of the Book', it always means all the three communities: the Jews, the Christians, and the Muslims: 'You People of the Book! Why dispute you about Abraham, when the law (Towrah) and the Injil were not revealed till after him? Have you no understanding?' (3:65).

According to the Quran, the Towrah, the book that God revealed to Musa for the guidance of the Bani Isra'il, did in fact contain guidance and God's commands, admonition and a clear explanation of many things of the world, and of God's mercy. There are many verses regarding the granting of a book to Musa in which the Towrah is mentioned although not by name. The tablets (*alwah*) are also mentioned and they mean the same scripture:

'And We ordained for him in the Tablets in all the matters, admonition and explanation of all things, (and said): 'Take and hold these with firmness and enjoin thy people to hold fast by the best of the percepts...' (7:145).

But when Musa went back to his people with the Law inscribed on the Tablets (7:150) they had meanwhile turned away from God and the Truth and he became very angry. He prayed for them and they repented. 'When the anger of Moses was appeased, he took up the tablets: in the writing thereon was Guidance and Mercy for such that fear their Lord' (7:154).

The Towrah, as originally revealed to Musa, must have been in the Hebrew language. But there is no copy of the original Book given to Musa extant today. As a matter of fact, during their long turbulent history, the Jews repeatedly lost their revealed books. According to the Quran, they also failed to maintain the standards prescribed by their scriptures. They made it 'into (separate) sheets for show' and concealed much of its content. Therefore differences have arisen among them, as they have distorted and changed God's word and its meaning. The Old Testament is considered by today's Jews as the Book revealed by God. But it cannot simply be equated with the Towrah mentioned in the Quran. The reason for this is that the Old Testament contains also the Zabur, the book of guidance given to the Prophet Daud. The Zabur is mentioned in the Quran as a revelation separate from the Towrah.

(b) The Zabur

The term *Zabur* is the Arabic equivalent of the Hebrew word '*zimir*', which is usually translated into English as 'psalm'. It was the book of revelation

given to the Prophet Daud. In the Hebrew and Christian scriptures it is a part of the Old Testament. Daud was a prophet, but he was also a great ruler and singer of the divinely inspired hymns praising God and His creation, which form the *Zabur*.

In the Quran, the *Zabur* is mentioned by name only three times:

'...And to Daud We gave the Psalms.' (4:163)

'And it is your Lord that knows best all beings that are in the heavens and on earth: We did bestow on some prophets more (and other) gifts than on others: and We gave Daud (the gift of) the Psalms.' (17:55)

'Before this We wrote in the Psalms, after the Message (given to Moses): My servants, the righteous, shall inherit the earth.' (21:105)

Thus the Quran, and also the traditions, very clearly confirms the Muslim belief in four heavenly books. The Quran mentions no other such heavenly books, though it mentions many prophets, some of them by name, and attributes many divine revelations to them.

David, to whom God revealed the *Zabur*, was gifted with great eloquence and a beautiful voice. All gifts were given to the prophets according to the needs of the world and the times in which they lived. The Psalms were intended to be sung for the worship of God and the celebration of God's greatness.

The Psalms are still extant and have been incorporated into the Bible. However, their present form may possibly be different from the original. Nonetheless, to a great extent, the Psalms retain their original state.

(c) The *Injil*

The *Injil* is the revelation given to prophet Isa. The term *Injil* is derived from a Greek word, which, when translated into English means 'gospel' and it occurs twelve times in the Quran.

In Muslim belief Isa, the son of Mary, is considered to be the prophet immediately preceding the Prophet of Islam. His birth was miraculous and by the grace of God he was endowed with a life-giving spirit. Both he and his pious mother, Mary, are mentioned in the Quran many times.

'We sent after them Jesus, the son of Mary, and bestowed on him the Gospel; and We ordained in the hearts of those who followed him compassion and mercy.' (57:27)

This particular verse of the Quran very clearly states that the Prophet Isa was given the real *Injil*, which stressed the compassion and mercy of God. Most of the time, whenever mentioned in the Quran, *Injil* is coupled

with the Towrah or the law given to Moses. But there is always emphasis on the continuity of revelation and its culmination with the final revelation that is the Quran.

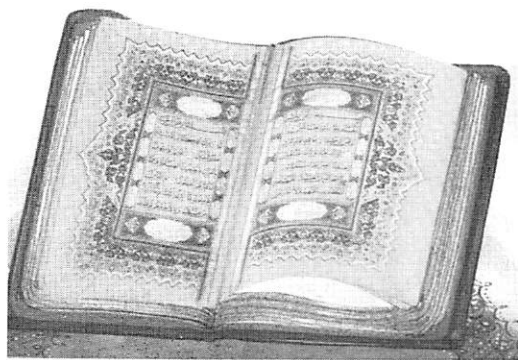
'It is He Who sent down to you (step by step), the truth, the Book (the Quran), confirming what went before it: and He sent down the Towrah (of Moses) and the Injil (of Isa),' (3:3)

'And God will teach him the Book and Wisdom, the Towrah and the Gospel.' (3:48)

The *Injil* mentioned in the Quran is not exactly what the Christians today consider their scripture, the Gospel of the Bible. The *Injil* in fact was the book revealed to the Prophet Isa himself and it is that book, which is mentioned in the Quran. The Gospel of the Christians is a compilation made one hundred years after the prophethood of Isa and was written down in Greek. Besides the Gospels attributed to the four apostles (John, Luke, Mark, and Matthew), it contains letters of Paul and Peter to the early Christian communities, as well as other written material. That is why the Quran and the traditions often refer to the corruption of the original scriptures. All heavenly books were sent by God for the guidance of mankind and to enable their adherents to judge all issues according to the divine laws as set forth in these Books.

(d) The Quran

The Quran, the Book of God, enshrines teachings, which were basically the same as were to be found in previously revealed scriptures. But these ancient scriptures are no longer preserved in their original state. Later additions and deletions have rendered them unreliable, whereas the Quran, preserved in its original state, is totally reliable.



The Quran has 114 chapters. Its contents in a nutshell are: belief in one God, and considering oneself answerable to Him; firm belief that the guidance sent by God through the Prophet Muhammad is the truth and that man's eternal salvation rests thereon.

The position of the Quran is not just that it is one of the many revealed scriptures but that it is the only authentic divine Book. All the other Books, due to human additions and deletions, have been rendered historically

unreliable. When a believer in the previous revealed scripture turns to the Quran, it does not mean that he is rejecting his own belief, but rather amounts to his having re-discovered his own faith in an authentic form.

The Quran is a sacred book sent by the Lord of all creation. It is a book for all human beings, because it has been sent by that Divine Being who is the God of all of us.

The Quran is no new heavenly scripture. It is only an authentic edition of the previous heavenly scriptures. In this respect, the Quran is a book for all human beings, of all nations. It is the expression of God's mercy for one and for all. It is a complete message sent by God for every one of us. The Quran is a light of guidance for all the world just as the sun is the source of light and heat for all the world.

According to the Quran, Islam means submission. The religion of Islam is so named because it is based on obedience to God. A true believer in Islam is one who subordinates his thinking to God, who follows God's dictates in all aspects of his life.

Islam is the religion of the entire universe, for the entire universe and all its parts are functioning in accordance with the law laid down by God.

Such behaviour is also desired of man. Man should also lead his life as God's obedient servant just as the rest of the universe is fully subservient to God. The only difference is that the universe has submitted to God compulsorily, while man is required to submit to the will of God by his own choice.

When man adopts Islam, first of all it is his thinking which is affected by Islam, then his desires, his feelings, his interests, his relations, his love and his hatred. All are coloured by his obedience to God's will.

When man, in his daily life comes under God's command, his behaviour with people and his dealings are all moulded by the demands of Islam. From inside to outside he becomes a person devoted to God.

Man, as the Quran tells us, is God's servant. Indeed, the only proper way for man to live in this world is to live as the servant of God. Islam, in fact, is another name for this life of servitude to God. Where the Islamic life is devoted to the service of God, the un-Islamic life unashamedly flouts the will of God. Islam teaches man to lead an obedient life and surrender himself completely to the will of God. It is people who do so who will share God's blessings in the next world. This is the essence of the teachings of the Quran.

(III) THE QURANIC VIEW OF REVELATION

It is a matter of Islamic belief that God, in His mercy, has sent prophet after prophet to lead people forth from darkness to light. The belief in God's

revealed books forms an integral part of Islamic faith.

However, for a variety of reasons, most of these revealed books sent by God could not be preserved. For instance, the Quran mentions the scriptures given to Ibrahim (87:14-19). but these are no longer in existence.

These divine books commanded justice in everything and exhorted invited men to repent.

The Quran describes *Torah* as *Furqan* (the Discriminator between right and wrong). It says "We gave Musa and Harun the Discriminator, and gave them a light (*Dhia*) and a Reminder for the Books (21:48). *Furqan* means that ideological standard which enables man to distinguish between Truth and falsehood. *Dhia* means divine guidance, which leads a man out of the darkness of the wrong path and puts him in the light of the straight path. In this way God has arranged for the guidance of man through His messenger.

But it is possible for God's guide book to provide guidance in the real sense only when a man is anxious about his fate in the Hereafter. This anxiety makes him so serious that he attaches more importance to Truth and righteousness than to any other thing.

However, even those ancient scriptures, which still exist today, have not been preserved from human interpolations. They have been tampered with at will by their adherents, who have retained the portions they wanted to and deleted the portions they disliked. Therefore, these scriptures have lost their veracity.

The Quran, the last of the divine books, is the only revealed scripture which has been preserved from human interpolation.

The Quran enshrines these teachings, which were basically the same as were to be found in previous revealed scriptures. But these scriptures are no longer preserved in their original state. The Quran has been preserved in its original state, therefore, it is an eternal guidebook which will never lose its relevance.

(IV) THE PROPHET RECEIVES HIS FIRST REVELATION

Even before his prophethood, the Prophet Muhammad used to lead a moral life. Ibn Hisham, his biographer, writes: "The Messenger of God entered his adulthood as if God was protecting and watching over him. And He kept him safe from the evils of the time because, He wanted to confer on him honour and prophethood. Thus he reached a position of supremacy over all the men of his tribe. Of all of them, he was the best behaved. He was the noblest among them by his lineage and was the best neighbour. He was unparalleled in forbearance. He was honest in what he said, and the most trustworthy. He refrained from misconduct. Ultimately,



he began to be called Al-Amin (the trustworthy) in Makkah.” (Sirat Ibn Hisham)

After his marriage to Khadija and the expansion of business, he had an even better opportunity to live a life of comfort and success.

But with the passing of the years he became less and less interested in business and devoted more and more of his time to the search for truth by means of reflection and meditation. Instead of trying to establish himself in his society, he took to the desert. He would often go to mount Hira, three miles from Makkah.

He sought answers to the mysteries of life. What is man’s true role in life? What does the Lord require of us, as His servants? From where has man come and where will he go after death? It was to find answers to these perplexing questions that he betook himself to the stillness of the desert. With all these questions in mind, worldly gain and loss, comfort and distress did not concern him. He urgently wanted the answer to these important questions about the truth. For nothing less than the truth could satisfy his soul. This phase of Muhammad’s life is referred to in the Quran in this verse:

“Did He not find you wandering and guide you?” (93:7).

He spent the whole of the month of Ramadan in the Cave of Hira. Finally, after his spending six long months in the cave, God turned in mercy to His Prophet, to guide him to the path of truth. At the age of 40, on February 12, 610 A.D., the Prophet was sitting all alone in his cave. The angel of the Lord appeared to him in human form, bringing the first message from God. These words form part of the beginning of the ninety sixth chapter of the Quran. The Prophet’s quest had finally been rewarded. God granted him guidance and chose him as His Prophet.

The angel said to him “Read.”

The Prophet replied, “I do not know how to read.”

Then Muhammad felt that his body was being squeezed hard. Then the

angel released him and repeated the same command. Again Muhammad replied that he did not know how to recite. Then the angel again squeezed him and then released him for the third time and said: Read!"

Then a change came over him and he was able to repeat the divine words. Then Gabriel revealed to him the chapter Al-Alaq.

"Recite in the name of your Lord, who created; who created man from a clot of blood; Recite, and your Lord is the most Gracious. It is He who has taught man by the pen that which he did not know." (96:1-5)

Muhammad recited these verses repeating them after the angel. Then he found that these words were written on his heart (Ibn Ishaq).

These verses, the first ever revealed to the Prophet, become part of the Quran as did other verses, which were revealed later. They have tremendous significance. They command the Prophet to stand up and to be ready to proclaim the name of the One God, the One Creator—of the Prophet and of all others—who has created man and sowed in his nature the seed of His own love and that of his fellowmen. The Prophet was commanded to proclaim this Message of God, and was promised by Him help and protection in its proclamation. The verses foretold a time when the world would be taught all manner of knowledge through the instrumentality of the pen, and would be taught things never heard of before.

These verses constitute an epitome of the Quran. The foundation was laid in them of a great and till then unknown advance in the spiritual progress of man. When the Prophet received this revelation, he was full of fear of the responsibility, which God had decided to place on his shoulders. Any other person in his place would have been filled with pride. But the Prophet was humbled by the greatness of responsibility. He reached home greatly agitated. On Khadija's enquiry, he narrated the whole experience to her and summed up his fears, sayings, "How difficult it is to carry the responsibility, which God proposes to put on my shoulders." Khadija replied at once:

'How can God do such a thing, while you are kind and considerate to your relations, help the poor and the forlorn and bear their burden? You are restoring the virtues, which had disappeared from our country. You treat guests with honours and help those who are in distress. Can you be subjected by God to any trial?' (Bukhari).

Having said this, Khadija took the Prophet to her cousin, Waraqa bin Naufal, a Christian. When he heard the account, Waraqa said:

"The angel who descended on Moses, I am sure, has descended on you." (Bukhari).

Knowledge and the Quranic Teachings

(I) THE QURANIC CONCEPT OF KNOWLEDGE

(a) The Importance attached to Knowledge in the Quran

Islam attaches great importance to knowledge and education. When the Quran began to be revealed, the first word of its first verse was '*iqra*', that is, read. Education is thus the starting point of every human activity.

A scholar (*alim*) is accorded great respect in the Hadith. According to a Hadith, the ink of the pen of a scholar is more precious than the blood of a martyr. The reason being that a martyr is engaged in the task of defence, while an *alim* (scholar) builds up individuals and nations along positive lines. In this way he bestows a real life upon the world.

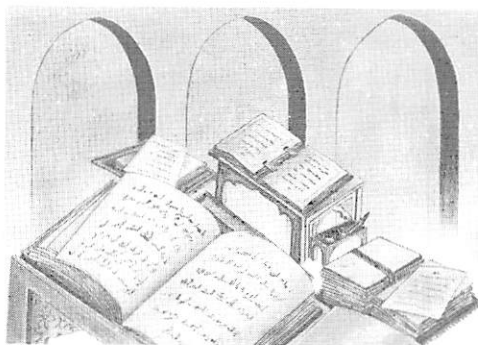
The Quran repeatedly asks us to observe the earth and the heavens. This instils in man a desire to learn natural science. All the books of Hadith have a chapter on knowledge (*ilm*). In *Sahih* Bukhari there is a chapter entitled, "The virtue of one who acquires *ilm* (learning) and imparts it to others."

For instance, there is a tradition that one who treads a path in search of knowledge has his way paved to paradise by God as a reward for this noble deed. (Bukhari, Muslim)

In a tradition recorded by Tirmidhi, angels in heaven, fish in the water and ants in their dwellings pray for the well-being of a seeker of knowledge.

In another hadith the Prophet of Islam observed that those who learned virtue and taught it to others were the best among humankind. (Al-Bayhaqi).

How great is the importance attached to learning in Islam can be understood from an event in the life of the Prophet. At the battle of Badr, in which the Prophet gained a victory over his opponents, seventy men from



the enemy ranks were taken prisoner. These prisoners of war were literate people. In order to benefit from their education, the Prophet declared that if each prisoner taught ten Medinan children how to read and write, it would serve as his ransom and he would be set free.

This was the first school in the history of Islam established by the Prophet himself with all non-Muslim teachers. Furthermore, they were all war prisoners. There was the risk that after their release they would again create problems for Islam and Muslims. This Sunnah of the Prophet shows that education is to be received whatever the risk involved.

Women were not kept away from educational activities. Starting with the Prophet's own household, Muslim families provided equal opportunities to the female members of the family to learn to grow and play a constructive role in the progress and development of society at large. A large number of learned women are mentioned in history as authorities on various Islamic sciences such as hadith, Islamic jurisprudence, *seerah* of the Prophet, commentary on the Quran, etc. The Prophet's own wife, Aishah, imparted the knowledge and wisdom she received from the first educator, the Prophet himself, for almost half a century. She narrated more than two thousand traditions of the Prophet, and according to the Muslim jurists, these are the source of two thirds of the Islamic laws relating to social, political and cultural issues.

Islam attaches such great importance to learning that the Quran has this to say:

"It is the men of knowledge who can truly realise God." (35:28)

Scholars are considered to be like angels (3:18), in view of their potential for discovering the oneness and the glory of the Creator. To inculcate this importance of knowledge in the minds of the believers, the Prophet once observed that "the worship of a learned man is a thousand times better than that of the ignorant worshipper." By way of encouraging reflection on the universe and nature in order to explore divine glories, the Prophet is reported to have said: "An hour of reflection is better than a hundred years of worship without reflection." (Al-Bayhaqi).

It was this interrelatedness of knowledge and worship that made the early Muslims seek and impart knowledge wholeheartedly and religiously.

According to Islamic ideology, a Muslim is supposed on the one hand, to seek knowledge for the pleasure of his Lord and for on the other. The better promotion of the welfare of humankind. In other words, the motto of education in Islam would be acquisition of knowledge for the sake of serving God and His creatures. That is why from the very beginning almost equal attention has been paid to the learning of both the religious sciences and the worldly or secular sciences.

On the one hand, Islam places great emphasis on learning, and on the other, all those factors which are necessary to make progress in learning have been provided by God. One of these special factors is the freedom to conduct research.

For example, once the Prophet passed by an oasis where he found the farmers, who were date planters at work. When he asked what they were doing, he was told that they were pollinating the clusters of dates in order to produce a better yield. The Prophet expressed his disapproval of this process. Knowing this, the farmers immediately stopped it. But later on the Prophet was told that due to lack of proper pollination the yield had been very low as compared to the previous years. On hearing this, the Prophet replied, "You know your worldly matters better." (Sahih Bukhari) In other words, experiment and observation should be the final criteria in such worldly matters.

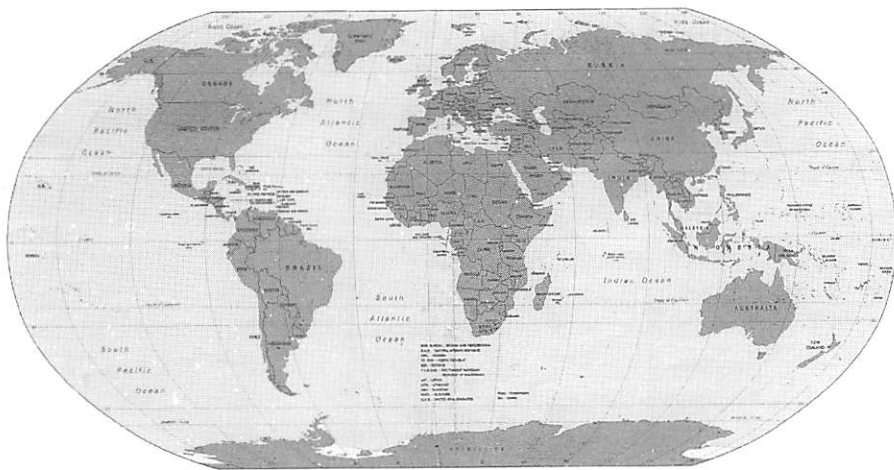
In this way, the Prophet of Islam separated scientific research from religion. This meant that in the world of nature man must enjoy full opportunities to conduct free research and adopt the conclusions arrived at. Placing such great emphasis on knowledge resulted in the awakening of a great desire for knowledge among the Muslims. This process began in Makkah, then it reached Madinah and Damascus, later finding its centre in Baghdad. Ultimately, it entered Spain. Spain flourished, making extraordinary progress in various academic and scientific disciplines. This flood of scientific progress entered Europe and ultimately resulted in the modern scientific age.

(b) Universality

A study of the Quran shows that its aim is to produce a universal approach in human beings. Universality means high thinking and an unbiased and unconditioned approach. We find an example of this quality in the Quran. It addresses us thus: 'O man, O mankind.' This shows that the approach of the Quran is based on universality. The very first chapter of the Quran begins with these words: 'Praise be to God, the Lord and Sustainer of all mankind.' Similarly, the Quran introduces God as the "Lord of the worlds", and not just the Lord of the Muslims or the Lord of the Arabs. He is also called 'the Lord of the East and the West.' (70:40)

Similarly, the Quran cites the Prophet of Islam as a messenger sent for all mankind and not just for the Arabs. The Quran says: "We have sent you as a mercy to mankind." (21:107)

This universality of Quranic revelation brings about universal approach in its believers. In another place Quran says: "Blessed be He who has revealed Al-Furqan (the Criterion) to His servant, so that he may be a warner to all mankind." (25:1)



This universal approach can be seen in all the teachings of Islam. For instance, at the end of *namaz* the faithful turn their heads towards the right and left and utter these words of greeting: 'Assalam-o-Alaikum wa rahmatullah' which means: 'May peace and blessings be upon you.' This is meant for all mankind inhabiting the lands towards the east and the west, the north and the south. This is, in fact, a universal greeting.

In this way one of the aims of *namaz* is to instill in believers feelings of well-wishing for the whole world. The whole world should share in one's prayers. This is a lesson in universal thinking, which is daily given to the believers. Similarly, Hajj, one of the five pillars of Islam takes the form of a universal gathering. Muslims belonging to all the nations of the world meet one another on this occasion. It is in fact an annual attempt to produce universality in believers.

Conveying this universal divine message to all the nations of the world (*dawah*) is another important teaching of the Prophet. As a requirement of Islam this turns every believer into a universal ambassador for *dawah* activity is that of universal interaction. Coming out of the limited sphere of one's self, one is made to think at the level of all humanity. As a result, an activity like that of *dawah* produces universal thinking among the faithful. The responsibility of *dawah* takes the believer out of the local sphere and turns him into a global personality.

The truth is that universality is an inseparable part of Quranic thinking. One who adopts the Quranic way will start thinking at the universal level. His personality will be linked with the entire human brotherhood. In spite of being located in a particular region, he becomes a citizen of the universe as far as his thinking is concerned. In this respect, it can rightly be said that Islam or the Quran promotes universal citizenship.

(c) The Scientific Approach

A study of the Quran shows that the Quranic approach is based neither on mythology nor on superstition, but on scientific principles. When we use the term 'scientific approach' to describe a way of thinking, it always means that such thinking that is in accordance with reality. One with such a bent of mind will be scientific in all his dealings in the world. His thinking is totally in accordance with external realities.

According to traditions, the Prophet of Islam used to pray: 'O God, show us the truth in the form of truth and grant us the wisdom to follow it, and show us falsehood as falsehood and grant us the strength to keep ourselves away from it. Show us things as they are.'

This prayer of the Prophet of Islam is a fine example of the scientific approach. The Quran wants to inculcate this spirit in every believer. When a believer becomes eager to be granted this spirit to guide his thoughts, he begins praying for it.

On a number of occasions we find this teaching expressed in different ways in the Quran. The Quran enjoins believers to 'fear God and speak the truth. He will bless your works and forgive you your sins. He who obeys God and His apostle shall win a greater victory.' (33:70-71).

This Quranic verse commands mankind to say what is fair. *Qaul-e-Sadid* means saying the truth in exact accordance with the facts. Just as the arrow reaches its target by being shot in precisely the right direction, similarly *qaul-e-sadid* hits the mark by making one's words correspond in every detail with reality.

There are two kinds of human utterances: realistic and unrealistic. Realistic or *sadid* utterances are those that tally exactly with reality. Conversely, unrealistic utterances are those that do not take the actual state of affairs into account and are based on suppositions, conjectures, or mere opinion, rather than on fact. God approves of only the former types of utterances.

There are a number of verses in the Quran that aim at inculcating this scientific spirit of thought in the believers. In all matters believers are to be guided by reason and logical thinking.

According to the Quran, there are two kinds of thinking – sincere thinking and insincere thinking. That may be called double standard thinking. The scientific approach is characteristic of a sincere thinker. A sincere thinker cannot envision an approach which is not based on realism. He bases his life on sound and true foundations. On the contrary, it is the insincere thinker or a hypocrite that has no principles or scruples. His approach is based on opportunism and he changes his point of view and way of thinking to serve his own interests. That is why there is not even a grain of the scientific

approach in him. His thoughts and deeds are totally unpredictable.

A sincere person, with a scientific approach and a scientific way of looking at the world, is one who comes up to the standard set by the Quran. At the same time, the insincere person is completely unaffected by and in fact free of the scientific approach. Therefore, he fails in life's test, as he is so obsessed with his egocentric thinking that he refuses to adopt scientific or realistic approach.

The Quran is not a book of science in the technical sense, but there is no denying the truth that the Quranic approach is nothing other than the scientific approach.

(II) QURANIC COMMANDMENTS

(a) Lawful

Life, according to Islam, is an indivisible whole. All its areas, social and religious, are to be governed and controlled by Divine Law as revealed in the Quran and enshrined in the Hadith. For this reason, certain things have been held lawful (*halal*) while others are unlawful (*haram*) and thus prohibited to human kind.

Halal (lawful) means that which is allowed and wholesome for humanity; *haram* (unlawful) that which is forbidden, and harmful. Before the coming of Islam, there were numerous opinions as to what things or sorts of behaviour were *haram* or *halal*. Islam established certain legal principles which were to become the determining criteria on which all future decisions as to what was *haram* or *halal* could be based. The Ummah was to follow a Middle Path. Muslims should constitute:

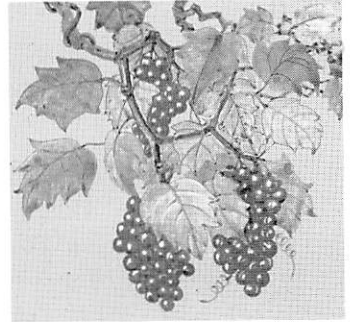
'You are the noblest nation that has ever been raised up for mankind. You are enjoined (to do) justice and forbid evil. You believe in God.'
(3:110).

As the first principle, humans should consider all the things that Allah has created and bestowed upon humanity:

'Do you not see that Allah has subjected to your use all things in the heavens and on earth, and has made His bounties flow to you in exceeding measure, both seen and unseen?' (31:20)

The Messenger of Allah has said:

'The lawful is plain and the unlawful is plain, and between the two are doubtful things that most people do not know of. So, whosoever avoids doubtful matters, secures acquittal for his faith and his honour, and



whosoever falls into doubtful matters, falls into that which is unlawful, like the shepherd who pastures around a sanctuary and is therefore apt to fall into it. Beware, every king has a sanctuary and the sanctuary of Allah are matters forbidden by Him. Beware, in the body there is a morsel of flesh. If it is well, the entire body is well, but if it becomes diseased, the whole body becomes diseased. Beware, it is the heart.'
(Muslim)

The tradition of the Holy Prophet quoted above gives us a golden principle and an unfailing touchstone for identifying the lawful from the unlawful.

It is a well-known fact that permissibility is the rule in Islam. Things only become unlawful through an express injunction of the Quran or *Sunnah*.

Allowing things or disallowing them is the sole prerogative of Allah:

It is not within the competence of any mortal to prohibit the allowed or allow the prohibited without any clear proof or authority contained in the Book of Allah or the Traditions of the Holy Prophet. Anyone who seeks to assume this right is guilty of calumny against Allah, because sovereignty from beginning to end belongs solely to Allah. Says the Quran:

"And speak not concerning matters that your tongues lie about: "This is lawful and this is unlawful", in order that you invent falsehood against Allah. (16:116)"

Allah intends ease, not hardship for man. He, therefore, makes him liable only for those things that are within his power. So, if one is driven by necessity, even things otherwise disallowed become allowed for him. For instance, eating swine-flesh becomes permissible for a man dying of hunger. Allah says:

"But if one is forced by necessity, without willful disobedience or seeking to transgress the due limits, then no sin devolves on him (in eating the prohibited things)." (2:173)

The law of necessity, however, applies only to that quantity which is just enough for the purpose, and no more.

Whether one realizes it or not, it is a fact that Allah, as a rule, has allowed all those things that are good, clean and beneficial to us and disallowed only those things that are evil, unclean and harmful.

Man, therefore, is advised to submit to the will of Allah and restrict himself only to those acts and things that are plainly lawful or allowable in Islam.

In certain cases there are clear injunctions, while in others *halal* is that which has not been pronounced *haram* (unlawful) in the Quran.

All the food and good things of the earth are lawful for men with the exception of those prohibited. But while gold ornaments and silk garments are lawful for women, there are unlawful for men. But, on the whole, as the aim of the Quran is to make life easier for the believers, there are innumerable things which are lawful while the unlawful things are negligible in number.

(b) Unlawful

Prohibitions in Islam are quite limited in number but elaborate in detail. They comprise the following topics:

1. Prohibited food and drink
2. Prohibited clothes and ornaments
3. Prohibited matters in sex
4. Prohibited matters in financial practices
5. Prohibited matters in social relations

Things leading to prohibited matters are also prohibited



If Allah prohibits a thing, He prohibits its preliminaries as well. Similarly, in the case of usury, God's curse has been pronounced on its direct beneficiary as well as on the scribe and the witness to this abominable transaction.

1. Prohibited food and drink

God says:

'O mankind! Eat of that which is lawful and good.' (2:168)

The Qur'anic verse means that God has permitted mankind to eat all that is clean and lawful with the utmost pleasure.

Islam has proscribed only those items of food or drink that are harmful for man.

'He has forbidden to you the 'dead' (meat).' (2:173)

The 'dead meat' would mean the flesh of any bird or animal that has died of natural causes, without being formally slaughtered or hunted down in an Islamic way.

Forbidden too is anything slaughtered without mentioning Allah's name.

In the case of the People of the Book, however, only that food is lawful which conforms to the principle of *halal* and *haram* set forth in their own religions and which has been slaughtered in accordance with the dictates of their own faith.

Intoxicants and narcotics are also haram

The Messenger of Allah has said: Every intoxicating drink is *khamr* (wine) and every wine is prohibited.

'O you who believe! Intoxicants and gambling and idols and divining arrows are an abomination of Satan's handiwork. Leave them aside so that you may prosper. Verily, Satan seeks to excite enmity and hatred between you by means of intoxicants and gambling, and hinder you from remembrance of Allah and from (His) worship. Will you then (not) abstain?' (5:90-91)

Narcotics, as we know them today, had no existence in the days of the Holy Prophet. There are, therefore, no clear-cut injunctions about them by name. We may however, easily conclude that they are equally unlawful and therefore prohibited; for Allah has proscribed all impurities for His servants. Their case, moreover, is the same as that of alcohol for, like alcohol, narcotics also take away man's reason and intellect. They destroy the addict's health and have a negative effect on his moral behaviour. They weaken his will, empty his pocket, disrupt the harmony of his family life and drive him to ruin and perdition. God says in the Quran: '...and do not kill yourselves (or one another). Verily, Allah is ever Merciful to you.' (4:29)

He also says: '...and be not cast by your own hands to ruin.' (2:195)

2. Prohibited clothes and ornaments

Allah says in the Quran:

'O children of Adam! We have bestowed upon you raiment to cover your shame as well as to be an adornment, but the raiment of piety is the best.' (7:26)

There can be no doubt that clothes are meant primarily to cover man's nakedness and beautify his body. It is, therefore, not permissible for a man to expose what is meant to be covered.

'*Awrah* (coverable part of the body) for a man, according to Islamic law, is between the navel and the knee. '*Awrah* for the woman is, however, her entire body except the face and the palms of the two hands. And the nakedness should be so covered as not to reveal the shape of the covered parts.

3. Prohibited matters in sex

Islam has never been inimical to man's legitimate aspirations nor has it ever sought to suppress his natural instincts or ignored his natural desires. It is rather a creed that is in perfect harmony with human nature. It is for this

reason that Islam has legitimized marriage, but taken care to regulate the relations between the two sexes and proscribed adultery and other forms of deviation from right conduct, and thus slammed the door on all that leads to disharmony and anarchy in society.

The Quran, also, declares in no uncertain terms that a Muslim is forbidden to marry a *mahram* (close blood-relation). This interdiction is in perfect harmony with human nature. It is meant to remove unnecessary constraints in social relations and preserve harmony and dignity in family relations.

4. Prohibited matters in financial practices

All financial activities and transactions in Islam are based on twofold principles: elimination of injustice and ensuring willing consent of all concerned parties within the framework of the Divine Law. It is for this reason that the following practices are declared unlawful in Islam:

Usury (riba):

On the question of usury the Quran says:

'...Allah has declared buying and selling lawful and usury unlawful.'
(2:275)

'O you who believe! Fear Allah and give up all outstanding dues of usury if you are (true believers). But if you do it not, then be warned that you are at war with Allah and His Messenger. If, however, you repent, then you are entitled to (get back) your principal (without interest). Do no wrong and you shall not be wronged.' (2:278-279)

It is clear from the above verses that practising usury is strictly and absolutely forbidden in Islam.

Selling forbidden goods is haram

The Messenger of Allah said: 'If Allah declared a thing unlawful, He also declared the taking of its price unlawful.' (Abu Dawud)

'Verily, Allah and His Messenger declared unlawful the selling of alcoholic liquor, (the eating) of carrion and swine and (the making of) idols.' (Bukhari and Muslim)

It is also unlawful to circumvent the commandments of Allah on these matters in any way.

The Prophet of Allah has declared himself clear of all responsibility with regard to a person indulging in fraudulent practices in his dealings and activities. Cheating could take many forms. For example: it may be that a trader sells a defective commodity without pointing out the defect to the

buyer. Or else, he sells goods at exorbitant prices to an unsuspecting newcomer or stranger to the town, taking advantage of his ignorance of the prevailing market rates.

5. Prohibited matters in social relations:

Islam regulates man's relations with his Creator, with himself and with others in society. It does not make it lawful for anyone to encroach upon the rights of others or snatch away their freedom. It is also not allowed in Islam that the freedom accorded to an individual should become a licence for creating anarchy in society or serve as a tool for usurping the rights and freedoms of others.

Sanctity of life:

The Quran states: 'And slay not that life which Allah has made secure, save with due right.' (17:33)

The Messenger of Allah also said: "Your blood and your property are sacred and inviolable for all of you." (Al-Bukhari)

This tradition means that nobody is allowed to kill anyone without a legal right. This right is not meant to be an open licence to anyone to kill any other. Islam has clearly laid down the conditions under which one could be executed as a punishment.

Lying, dishonesty, betrayal and slander

The Messenger of Allah said:

'Verily, truthfulness leads to righteousness and righteousness leads to Paradise; and if a person continues to speak the truth and remains in quest of the truth, he is enrolled with Allah as veracious. And falsehood leads to sinfulness and sinfulness leads to (hell) fire. A man who continuously lies and remains in quest of falsehood is recorded with Allah as a great liar.' (Al-Bukhari)

Kidhb (lying) means saying something other than the truth, be it out of deceit or fraud or just for amusement. All forms of lying are prohibited in Islam.

Social relations between man and man should be based on a clear conscience and mutual trust. Lack of trust leads to false suspicion and spying on one another. It is for this reason that Islam has prohibited harbouring evil suspicions. The Messenger of Allah said:

'Shun suspicion, because suspicion is the biggest lie.' (Al-Bukhari).

The Economic Teachings of the Quran

(I) THE ECONOMIC ACTIVITY OF MAN

Islam not only allows but encourages honest trade and commerce. The holy Prophet is reported to have said that a truthful and trustworthy trader shall (in the Hereafter) be among the company of the Prophets, the truthful and the martyrs. Another Hadith is to the effect that his followers should carry on trade, as this has nine-tenths of the sustenance (*rizq*). There are a large number of verses of the Quran relating to trade and commerce, buying and selling. We are reminded that the beasts of burden created by Allah for carrying men and merchandise, and boats and ships which sail by His command through the rivers, seas and oceans, carrying merchandise and men, are among Allah's bounties (16:7; 23:22).

Legitimate trade is allowed even during the Hajj (2:198). Men whose business activities do not divert them from prayers and charity are praised (24:37); while those who leave off prayers when they see some bargain or means of amusement are reprimanded (62:11); and we are told that the love of Allah and the Holy Prophet and the struggle for God's cause must have preference over trade.

All illicit ways of making money have been forbidden. For instance, gambling and games of chance; bribery and corruption; hoarding and profiteering; giving short measure or short weight; and usury.

The Prophet of Islam advised traders not to sell the grain purchased



by them until they had weighed it. Another saying is that it is open to the buyer and the seller till they part either to keep the bargain or cancel it; and that traders must tell the truth and spell out the good and bad points of the goods offered for sale. If they do so, their trade shall be blessed; but if they tell lies and conceal defects, they shall not receive God's blessings. The Holy Prophet severely warned shopkeepers against selling their goods on false oaths.

Economic activity in Islam is governed by what is economically, socially and morally good. Economic activity that is destructive of man's innate goodness and harmful to the individual and society has been declared unlawful or *haram*.

Labour and economic risk:

Gains from economic activity should be based on two factors: on labour and economic risk. Income from betting or gambling, for example, is therefore unlawful because it is not acquired through work or labour. Such income is called "unearned income". Income from lending money at a guaranteed rate of interest is unlawful because it is not earned through labour or economic risk. Income from such activities as usury, gambling, monopolistic trade practices, hoarding and speculation is therefore regarded as unlawful or *haram*. All the practices that are not based on productive work can be shown to create hardship and may even lead to social strain and upheaval.

What is most severely condemned in particular is *riba* which is interest or usury. This involves lending money on condition that you get back not only the sum lent but an additional guaranteed sum—without any work on your part and without any economic risk. *Riba* exploits the need of the borrower and may cause him economic hardship. The lender thus becomes a parasite feeding on the needs of the borrower. As such, *riba* lies at the root of much of the economic and political instability in the world.

(II) PRIVATE AND PUBLIC ENTERPRISE

Public finance as practiced in the early Islamic period was based on the ethical and social philosophy of Islam. It did not depend on the discretion of the ruler; rather it was based on the guidance from Islamic *shariah* and aimed at public interest. The general principles of public finance in Islam are derived from the verses of the Quran. Although certain economic teachings are to be found in the scriptures, the exact details of fiscal policies are not given. These were however elaborated upon by the Prophet of Islam, and so the Sunnah is the second most important authority on public finance in Islam.



The Quran says: ‘...of their wealth take alms’ (9:103) and the tradition of the Prophet clarifies how the dues, collected from the wealthy are to be distributed amongst the poor. The aim was to achieve a healthy circulation of wealth in society. This task was entrusted to the state: this may be considered an example of the earliest public enterprise in Islam.

The system of public financial enterprise at the time of the Prophet was very simple as the Prophet himself did not own anything of any great value, nor did the community give much importance to wealth.

At the time of the first four caliphs, who were also companions of the Prophet, the public money collected consisted of alms (*zakat*) or war booty or certain taxes. All the funds were collected in the public treasury (*bait ul maal*).

The money was used for very specific purposes like the running of the government and the welfare of society. However, a major part was reserved for the support for orphans, widows, and travellers, for assistance in the marriage of orphan girls, and for the sick and destitute.

The second caliph Umar said: ‘Taxes are justified only when they are collected in a just and legal way and they are spent justly and legally.’

Since Islam kept in view the totality of human activities, the state assumed an active role in looking after the welfare of its members. Public works and care for the subjects of the states were always considered to be religious and moral obligations of the ruler. Abu Yusuf, a famous jurist always maintained the need for such state policies as secure the wellbeing of the people and increase the welfare of the subjects. Abu Musa al-Ash’ari says: ‘The best of men in authority are those under whom people prosper and the worst of them are those under whom people encounter hardship.’

Al-Ghazali too includes fulfillment of the basic needs of members of society as one of the socially obligatory duties carried out by the state. He states: ‘It is incumbent on the ruler to help the people when they are facing scarcity, starvation and sufferings especially during a famine or when prices are high, and people fail to earn a living in these circumstances and it becomes difficult for them to make both ends meet. The ruler should, in these circumstances feed the people and give them financial assistance from their treasury in order to improve their lot.’

To sum up, the fulfillment of basic economic needs, the defence of

society from the enemy, support in times of famine and similar disasters are the social obligations of the state. In Islam the state enterprise is thus the public enterprise established with the sole aim of serving humanity. It is achieved through collection of dues and taxes by the state and then the utilization of these public funds, collected in the state treasury, for the good of the whole of society and all its members, on an equal basis and according to their needs. Islam does not lose sight of the whole human community in any of its commandments as revealed in the Quran and expounded in the traditions.

(III) THE CONCEPT OF ZAKAAT AND SADAQAH AND THEIR IMPORTANCE

Zakaat is the fourth 'pillar' of Islam. *Zakaat* means setting apart for God every year a certain portion of one's savings and wealth (generally 2.5 percent) and spending it upon religious duties and on needy members of the community. The fulfilment of this duty is, in fact, a kind of reminder that all one has is in trust from God. Man should, therefore, hold nothing back from God. To whatever one may amass in one's

lifetime, one's own personal contribution is insignificant. If the Supreme Being, who is at work in the heavens and on the earth, refused to co-operate with man, there would be nothing that the latter could accomplish single-handedly. He would not be able to plant so much as a single seed to make things grow. Nor could he set up any industry, or carry out any other such enterprise. If God were to withdraw from us His material blessings, all our plans would go awry, and all our efforts would be brought to naught.

Zakaat is the practical recognition of this fact through the expenditure of money for the cause of God. Islam requires man to consider his personal wealth as belonging to God and, therefore, to set apart a portion for Him. No maximum limit has been prescribed, but a minimum limit has definitely been fixed. According to statutory *zakaat*, each individual must abide by this and spend a fixed minimum percentage of his wealth every year in the way prescribed by God. While spending from his wealth, he is permitted neither to belittle the recipient nor to make him feel obliged or grateful to himself. His wealth must be given to the needy in the spirit of it being a trust from God, which he is making over to the genuine titleholders. He should feed others so that he himself is fed in the Hereafter, and he should



give to others so that he himself is not denied succour by God in the next world.

Zakaat is a symbol of one's duty to recognize the rights of others and have sympathy with them in pain or sorrow. These sentiments should become so deep-rooted that one should begin to regard one's own wealth as belonging, in part, to others. Moreover, one should render service to others without expecting either recognition or recompense. Each individual should protect the honour of others without hope of any gain in return. He should be the well-wisher of not just friends and relations, but of all members of society. *Zakaat*, first and foremost, makes it plain to people that their entire 'possessions' are gifts of God, and, secondly, dissuades the servants of God from living in society as unfeeling and selfish creatures. Indeed, throughout their entire lives, they must set aside some portion for others.

We must serve our fellow human beings only in the hope of receiving a reward from God. We must give to others with the divine assurance that we will be repaid in full in the next world. In a society where there is no exploitation, feelings of mutual hatred and unconcern cannot flourish. A climate of mutual distrust and disorder is simply not allowed to come into being; each person lives in peace with another, and society becomes a model of harmony and prosperity.

On the legal plane, *zakaat* is an annual tax, or duty; in essence and spirit, it is recognition on the part of man of the share which God, and other men, have in his wealth.

There are two forms of charity in Islam—obligatory and voluntary. In addition to *zakaat* there is *sadaqa*. *Zakaat*, derived from the word *zakaah*, means to purify. By giving up a portion of the wealth in one's possession, the remainder, to be used by the alms-giver, is purified or legalised.

According to the teachings of Islam, the giving of *sadaqa* serves a number of functions. *Sadaqa*, first and foremost acts as expiation for sins. Believers are asked to give *sadaqa* immediately following any transgression. Voluntary alms-giving can also compensate for any shortcoming in the past payment of *zakat*. *Sadaqa* also gives protection against all kinds of evils, wards off affliction in this world, questioning in the grave, and punishment on Judgement Day. It is, therefore, recommended that one give *sadaqa*, 'by night and by day, in secret and in public' in order to seek God's pleasure (2:274). The constant giving of a little is said to please God more than the occasional giving of much. *Sadaqa* is also a means of moral edification. It purifies the soul of the evil of avarice, and is a reflection of the generosity of God the All- Giving.

Inspired by the verses of the Quran and the traditions and practices of the Prophet and his companions, the giving of *sadaqa* to individuals or institutions remains a widespread practice among Muslims. The Prophet,

the most generous of men, used to make personal donations. When asked for anything, he never refused. If he had nothing to give, he would borrow from one of his companions and repay him later.

Zakaat is God's due portion of what we own and what we produce. There are many ways of making a living in this world: one can work on the land, in a factory, a shop or in an office. But what part do we actually play in all this? Our role is, in fact, minimal. Multiple forces are at work in the universe and within ourselves. All these forces come together to enable us to earn a livelihood. All this has been ordained by the Lord of the Universe. That is why, once a year, one should calculate one's earnings, and put aside a portion for God. By doing so, one acknowledges the fact that it is all from God.

Without His help, one could earn nothing. To spend for the cause of God is to express a sublime attachment to the Lord. It shows a yearning to empty oneself before Him. One should feel as one gives that one is offering everything to God and seeking nothing for oneself. The following verse shows the spirit in which a Muslim should help others:

'We feed you for God's sake only; we seek of you neither recompense nor thanks.' (Quran, 76:9)

There are eight categories of people, eligible to receive *Zakaat* which have been specified in this verse of the Quran:

"Alms shall be used only for the advancement of God's cause, for the ransom of captives and debtors, and for distribution among the poor, the destitute, wayfarers, those that are employed in collecting alms, and those that are converted to the faith. This is a duty enjoined by God. He is Wise and All- Knowing." (9:60)

Zakaat funds are to be spent, according to the Quran, on the poor and the destitute, the wayfarer, the bankrupt, the needy, converts, captives, collectors of *zakaat* and in the cause of God. The last category allows *Zakaat* funds to be used for the general welfare of the community—education, social work, etc. *Zakaat* in spirit is an act of worship, while in its external form, it is the carrying out of a social service.

Zakaat is thus not merely the payment of a tax, as it is generally understood, but rather a matter of great religious significance. Its importance is underscored by the fact that the Quran treats it on a par with (*salat*) prayer. The Quran frequently enjoins the believers, 'to say prayers and pay the *zakaat*' and goes to the extent of saying that one cannot attain righteousness unless one spends out of one's wealth for the love of God:

"By no means shall you attain righteousness unless you give of that which you love." (3:92)

Moreover, the Quran disapproves of people who make a show of their alms-giving. (2:271)

Zakaat is a test of the sincerity and unselfishness of the believer. For there is no authority to force any Muslim to pay it. It is entirely up to the conscience of the individual whether or not he or she pays it. The willingness to pay, shows that one's heart is free of the love of money. It shows that one is prepared to use one's money for the service of humanity.

The Prophet of Islam was always very concerned for the poor and the needy. He went so far as to say:

'He is not a believer who eats his fill while his neighbour remains hungry by his side.' (Muslim).

(IV) THE UTILIZATION OF ECONOMIC RESOURCES

Agriculture is essential and should be given priority in any community. God, according to the Quran, has spread out the earth and made it fertile and therefore fit for cultivation. He sends the "fertilizing winds" to drive the clouds and scatter the seeds and He sends down rain to bring forth vegetation of all kinds. The many verses in which these bounties and favours of God are mentioned all serve to encourage people not only to thank God but to engage in farming.



There are many sayings of the Prophet which commend agricultural production. The Prophet of Islam once said:

"When a Muslim plants a tree or cultivates a crop, no bird or human being eats from it without its being accounted as a (rewardable) charity for him."

Stressing the importance of irrigation and land reclamation for agricultural purposes, the Prophet also said:

"Whoever brings dead land to life, for him there is a reward in it, and whatever any creature seeking food eats of it, shall be considered as charity from him."

Agriculture is a vital activity which has benefits in this world and rewards

in the Hereafter. This was one occupation, which the Prophet considered very dignified. Although many people do not look upon farmers and shepherds with respect, the Prophet gave dignity to this occupation when he said:

"God did not send a prophet without his having tended sheep."

"You too, O Messenger of Allah?" asked his companions.

"Yes, I tended sheep for wages for the people of Makkah."

One should observe all the Islamic advice and regulations about the proper care and treatment of animals: to provide for them all that their kind require, not to burden them beyond what they can bear, not to injure them and if they are used for food, to slaughter them in the most calm, kind and efficient manner.

Industrial production

While agriculture is essential and highly encouraged as an occupation, the Prophet saw that it was undesirable that people should confine their economic efforts solely to agriculture and pastoral pursuits.

Muslims needed to develop in addition to agriculture the industries, crafts and skills which were needed to build a strong community.

The Quran mentions the opportunities and the needs for various types of industrial production involving the use of iron, copper and other minerals—resources which God has placed at the disposal of man.

"And We provided and revealed the use of iron, in which there is great power and benefits for mankind..." (57: 25)

It speaks, for example, of the value of shipbuilding and the vast expanses of ocean, which can be explored in various ways for the benefit of mankind.

In engaging in industrial production and the manufacture of goods, the benefit of mankind and the environment in general and the needs of the Muslim community in particular must be given high priority. Whatever is harmful, or is intended for a harmful purpose, should not be manufactured or produced. Whatever is harmful to the beliefs, good morals and life style of a society should likewise not be produced.



Trade

The Quran and the Hadith of the Prophet, urge Muslims to engage in trade and commerce, and to undertake journeys for what the Quran refers to as “seeking the bounty of God”.

All trade in Islam is allowed unless it involves injustice, cheating, making exorbitant profits, or the promotion or selling of something which is haram.

It is *haram* to do business in alcoholic drinks, intoxicants, harmful drugs, or anything, the consumption and use of which Islam has prohibited. Selling or trading implies promoting them among people and thus encouraging them to do what is *haram*. The Prophet, peace be on him, said:

“When God prohibits a thing, He prohibits (giving and receiving) the price as well.”

Any healthy community or society needs a variety of professions to meet its needs. Professions relating to man’s basic needs—food, clothing, shelter, health care, education, defence—are given priority.

Professions involving the use or propagation of harmful knowledge are not allowed. Under this category come astrology and the occult arts, etc.

Introduction to Hadith

(I) THE MEANING OF HADITH

Hadith meaning a 'statement' or 'report' is used as an Islamic term for the records kept of the words, deeds and sanctions of the Prophet Muhammad. Some scholars have also included in hadith the sayings and doings of the companions of the Prophet. In English very often in place of 'hadith' the term 'traditions of the Prophet' or simply 'traditions' is used.

The necessity of hadith

The hadith gives a full account of the life of the Prophet, and serves as the commentary to the Quran. The Islamic jurisprudence or law (called *fiqh*) considers hadith to be the second fundamental source in all legal rulings.

The Quran principally deals with basics. It is the hadith that gives the details and necessary explanations of the Quranic injunctions. For instance, the Quran says: 'Regularly say your prayers.' But it does not specify how this form of worship has to be performed. Not even the timings and *raka'a* (units of prayers) are clearly mentioned. We need the traditions to have full information on this.

Even after knowing the details, it may not be possible to follow the divine injunctions contained in the Quran, for not everything can be properly understood by words alone. Therefore God's Prophet demonstrated before the faithful how the practice of worship was to be performed. He said to the believers: 'Look at me, see how I worship, and follow me.'

Thus the Prophet, besides teaching the believers about the divine commandments in a theoretical way, also put these teachings into practice in all matters pertaining to religion. He himself practiced the divine injunctions scrupulously. His practice was not a private matter; it had the status of a detailed interpretation and application of the Quran. Once a companion asked the Prophet's wife Aisha about the character of the Prophet. Aisha replied: 'He was an embodiment of the Quran.'

The Quran repeatedly reminds us of the importance of hadith, enjoining

us to strictly follow the Prophet:

'...Obey God and obey the messenger...' (4:58)

'Whatever the messenger gives you, take it and whatever he forbids, abstain from it...' (59:7)

'And, truly, in the messenger of God you have a good example for him who looks to God and the Last Day and remembers God always.' (33:21)

The Quran thus provides the fundamentals of religion. It is the hadith, which furnishes us with the necessary details and explanations. It is as if the Quran was the text and the hadith its commentary: the Quran being the theory and the hadith being the practice. Thus the Quran and hadith cannot be separated from one another. They are complementary to each other. Both are equally essential for the establishment of religion.

(II) THE COMPILATION OF HADITH

A Brief History

The history of the compilation of Hadith may be broadly divided into four stages:

1. The first stage relates to the period of the Prophet till 10 A.H.
2. The second stage is approximately from 11 A.H. to 100 A.H. This is the period of *Sahaba*, the companions of the Prophet.
3. The third stage is from about 101 to nearly 200 A.H. This is the period of the *Tabiun*, the disciples of the companions of the Prophet.
4. The fourth stage is roughly from 200 A.H. to 300 A.H. This is the period of *Taba Tabiun*, the disciples of the disciples.



Compilation During the Period of the Prophet

During the life of the Prophet there was no regular compilation of the traditions, for they were not generally recorded in writing. However, they were orally transmitted, with great accuracy of detail, thanks to the Arabs' exceptionally retentive memories.

1. Some companions had, however, prepared written collections of traditions for their own personal use. Those companions, in particular, who had weaker memories used to write them down for memorizing and preservation. These were also dictated to their disciples.
2. Then there were those companions who had administrative offices arranged for written copies of traditions, so that they might carry out their duties in the true spirit of Islam. For instance, while appointing Amr ibn Hazm as the governor of Yaman, the Prophet himself gave him a letter containing the times of prayer, methods of prayer, details of ablution, booty, taxation, *zakat*, etc.
3. Abdullah ibn Amr ibn al-As, a young Makkan, also used to write down all that he heard from the Prophet. He had even asked the Prophet if he could make notes of all that he said. The Prophet replied in the affirmative. Abdullah called this compilation *Sahifah Sadiqa* (The Book of the Truth). It was later incorporated into the larger collection of Imam Ahmad ibn Hambal.
4. Anas, a young Madinan, was the Prophet's personal attendant. Since Anas remained with the Prophet day and night, he had greater opportunities than the other companions to listen to his words. Anas had written down the tradition on scrolls. He used to unroll these documents and say: "These are the sayings of the Prophet, which I have noted and then also read out to him to have any mistakes corrected."
5. Ali ibn Abi Talib was one of the scribes of the Prophet. The Prophet once dictated to him and he wrote on a large piece of parchment on both sides. He also had a *sahifa* (pamphlet) from the Prophet which was on *zakat* (the poor due) and taxes.

Besides these there were some other documents dictated by the Prophet himself — official letters, missionary letters, treaties of peace and alliance addressed to different tribes— all these were later incorporated into larger collections of Hadith.

Compilations of the Time of the Companions of the Prophet.

After the death of the Prophet, interest in Hadith literature increased greatly on two accounts. Firstly, the Companions who knew the Hadith at first hand were gradually passing away. Their number continued to diminish day by day. Therefore, people became more keen to preserve the precious Hadith literature that had been stored in their memories. Secondly, the number of converts was growing and they showed great eagerness to learn as much about the traditions as possible.

This was the age of the rightly guided Caliphs. In this age the Companions had settled in almost all the countries conquered by the Muslims. People flocked to them to hear traditions from them. Thus a number

of centres for the learning of traditions came into existence with these Companions as the focus. When a disciple had learned all the traditions he could from one Companion, he would go to the next Companion and so on, collecting as many traditions as possible. The zeal of these disciples was so great that they undertook long journeys to collect traditions from different Companions.

In this period, there were not many regular compilations. This was rather the period of collecting traditions. The work of compilation took place on a large scale during the age of *Tabiun*, the disciples of the disciples.

The Age of Tabiun from 101 to nearly 200 A.H.

This is the age of the followers of the companions of the Prophet. They devoted their entire lives to collecting traditions from different centres of learning, with the result that a large number of traditions were preserved. Now it became possible to collect several memoirs in larger volumes.

Mohd ibn Shihab Al Zuhri, the first regular compiler, was one of the most distinguished traditionists. Ibn Shihab Zuhri and Abu Bakr Al-Hazm were asked by Umar ibn Abdul Aziz, the Umayyad caliph, to prepare a collection of all available traditions. Umar bin Abul Aziz wrote to Abu Bakr Al Hazm: "Whatever sayings of the Prophet can be found, write them down, for I fear the loss of knowledge and disappearance of learned men, and do not accept anything but the Hadith of the Holy Prophet, and people should make knowledge public."

The compilations made in this period do not exist today independently, having been incorporated into the larger collections of the later period. These collections were not exhaustive works on Hadith. Their nature was that of individual collections.

After the individual compilations of this period, comes the *Al Muwatta* of Imam Malik (716-795), the first regular work which contained a well-arranged collection of traditions. The number of the traditions collected by him is put at 1700. This came to be accepted as a standard work.

In this period the traditions respectively of the Prophet and his companions, and the decisions / edicts of the *Tabiun* were collected together in the same volume. However, it was mentioned with each narration whether it was that of the Prophet, his companions or of the followers.

The Third Age of *Taba Tabiun* (Followers of the Successors)

This age of the followers of the companions' successors from 200 to 300 A.H., is the golden age in Hadith literature.

1. In this age the Prophet's traditions were separated from the reports of the companions and their successors.

2. The authentic traditions were very carefully and painstakingly sifted from the "weak" traditions and then these were compiled in book-form.
3. Elaborate rules were framed, canons were devised to distinguish the true from the false traditions in accordance with clear principles.

The main attention of scholars who engaged themselves in the critical scrutiny of Hadith was given to the recorded chains of witnesses (*isnad*); whether the dates of birth and death and places of residence of witnesses in different generations were such as to have made it possible for them to meet, and whether they were trustworthy. This activity, to be properly carried out, involved some feeling for the authenticity of the text itself; an experienced traditionist would develop a sense of discrimination.

All traditions therefore fall into three general categories: (*sahih*) sound, having a reliable and uninterrupted *isnad* and a (*matn*) text that does not contradict orthodox belief; (*hasan*) good those with an incomplete *isnad* or with transmitters of questionable authority. (*dhaif*) weak those whose *matn* or transmitters are subject to serious criticism.

By the use of these criteria the Hadith scholars were able to classify the traditions according to their degrees of reliability.

This is the period in which six authentic collections of traditions were compiled. These works are considered standard works on Hadith, and are known as the six correct books (*sihah-e-sittah*). The authors' names and book titles are as follows:

1. Muhammad b. Ismail al Bukhari, (194 A.H.-256 A.H.): *Sahih*. This work is next to the Quran in authenticity.
2. Muslim bin Qushairi (204 A.H.-261 A.H.): *Sahih*. This is the next most important work on Hadith.
3. Ibn Majah (202 A.H.-275 A.H.): *Sunan*
4. Abu Isa al Tirmizi (209 A.H.-279 A.H.): *Jame*
5. Abu Abdur Rahman an Nasai (214 A.H.-303 A.H.): *Sunan*
6. Abu Da'ud (202 A.H.-275 A.H.): *Sunan*

(III) TYPES OF HADITH

The early writers on the subject of the hadith evolved certain rules to classify the hadith. There are two main types of classification in use. One deals with the degree of the authenticity of the tradition, while the other takes as its base the way the tradition was transmitted.

As far as the first classification is concerned, the traditionists have divided the traditions into three classes, according to the degree of reliability based on the perfection or imperfection of the chain of their transmitters. Also, they saw whether the texts had any hidden defects. The acceptance or

rejection of the particular hadith by the Companions, the Followers and their Successors was also taken into consideration.

These three classes are:

- a) Genuine (*Sahih*) – this name is given to a faultless hadith, in which there is no weakness either in regard to the chain of transmission (*isnad*) or in regard to the text (*matn*), and in which there is no contradiction of any kind of any of the established beliefs of Islam.
- b) Fair (*Hasan*) – this hadith is similar to Sahih hadith only some of its narrators might have to be found to have weaker or defective memory as compared to the narrator of Sahih hadith.
- c) Weak (*dhaif*) or – this is a tradition, in respect of which some serious doubts can be raised. These doubts might be in respect to its content or the text, or because one or more of its transmitters are considered unreliable.
- d) Forged (*Maudu*) – this is a totally forged hadith.

The writers on the Science of Hadith as well as the jurists, have also divided the traditions according to the number of their transmitters during the first three generations of the Muslims, into three types: *mutawatir*, *mashhur* and *ahad*.

1. *Mutawatir* – these are the traditions which have been transmitted throughout the first three generations of the Muslims by such a large number of transmitters that there is no doubt that the hadith is genuine.
2. *Mashhur* – these are the traditions, which, having been originally transmitted in the first generation by two, three or four transmitters, were later on transmitted on their authority, by a large number of transmitters in the next two generations.
3. *Ahad* – There are the traditions, which were transmitted during the first three generations of the Muslims by one to four transmitters only.

(IV) SOME IMPORTANT HADITH COLLECTIONS (SIHIH AL SITTAH)

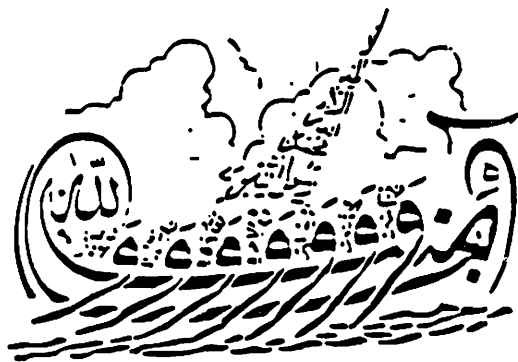
Sihah al Sitta or the 'six correct books' is the name given to six collections of Hadith, which are considered standard and most authentic by all Muslims. These are:

1. *Sahih* of Muhammad bin Ismail al Bukhari (d.236 A.H.) His *Sahih* is considered to be next to the Quran in authenticity.

2. *Sahih* of Muslim bin Qushairi (d.261 A.H.). His *Sahih* is the next most important collection of hadith.
3. *Sunan* of Ibn Majah (d.275 A.H.).
4. *Jame* of Abu Isa al Tirmizi (d.279 A.H.)
5. *Sunan* of Abu Abdur Rahman al Nasai (d.303 A.H.)
6. *Sunan* of Abu Da'ud (d.275 A.H.)

The most important work of hadith literature is the *Sahih* of al-Bukhari, who Questioned more than one thousand masters of hadith, even those living in very far- away parts of the Muslim world. Another *Sahih* was compiled almost simultaneously with it. This was the collection of hadith of Muslim bin Qushairi.

These two collections are the ones, which are used most widely by all Muslims.



Ibn Majah travelled widely to collect traditions from the well-known Traditionists of his time. He compiled several works of Hadith of which the most important is the *Sunan*. In this work, Ibn Majah collected together 4000 traditions in 32 books divided into 1500 chapters. The number of weak (*dhaif*) traditions it contains is not very large, just about 30. But it does contain some traditions, which are considered by the authorities on the subject to be forged (*maudu'*).

Abu Isa al Tirmizi was a student of Abu Da'ud and his collection follows and improves upon the techniques of classifying the hadith as proposed by his master. *Jame* of Tirmizi contains all the traditions – legal, dogmatic and historical – that had been accepted by the Muslim jurists of one school or another, as the basis of Islamic law.

Al Nasai' collected hadith in his work *Sunan*. He entirely ignored the point of view of his senior contemporary, al-Tirmizi on the question of the application of traditions to various problems that might have been made by different schools of the Muslim jurisprudence. His main object was to establish the text of traditions and the differences between their various versions, which he quotes extensively. In many places, he gives headings to the differences between the various narrators.

Abu Da'ud was another important compiler of hadith. Before writing his *Sunan* he examined five lakhs of traditions, and selected from them only 4800 to be put in his book. The whole task took him 20 years to complete. He kept up the scrupulous exactitude of his predecessors in reproducing

the traditions, which he had collected. But he differed from them in the standard of his choice. He included in his *Sunan* not only the 'genuine' traditions (as al-Bukhari and Muslim had done), but also such traditions as had been pronounced by some traditionists to be weak and doubtful.

Imam Bukhari (810-870 A.D.)

Muhammad ibn Ismail al Bukhari was born in Bukhara. Bukhari's grandfather Mughira was the first in his family to have converted to Islam from Zoroastrianism. Bukhari's father was a traditionist, but he died when Bukhari was just an infant. After his father's death, Bukhari's mother brought him to Makkah from Bukhara.

Bukhari, although physically weak, had been endowed by God with great intelligence and a sharp, retentive memory. He was very fond of acquiring knowledge. Being a very devout and religious person, he began to study the hadith at the early age of eleven. He had very soon gathered all the traditions available in Hijaz. Then he undertook journeys for the collection of hadith. He continued to travel for about forty years throughout the Muslim world in the pursuit of knowledge. He went to all the traditionists to gather traditions from them. After having gathered a large number of them, he returned to Nishapur. By this time his fame as a traditionist had spread far and wide. He was therefore given a grand reception by the local residents. Imam Bukhari began teaching the traditions to the people. He wanted to settle down here. But he could not do so, as he had incurred the displeasure of the governor, over the question of his coming to his palace to give lessons to his sons. Imam Bukhari had refused to do so, for he considered this a degradation of hadith knowledge. Then the governor told Imam Bukhari that his children could go to him, but only if there were no other students present at that time. But Imam Bukhari did not accept even this condition. This enraged the governor, so he gave orders for his extradition from the city. Then Imam Bukhari went to Khartank, a village at Samarkand. He settled there and died in the year 256 A.H.

Throughout his life Imam Bukhari was strictly pious, honest and generous to the poor and to students. He did not bear any ill-will towards anybody, not even his enemies.

His entire life and all of his wealth were devoted to the collection of hadith. The greater part of his life was spent in travelling for this purpose. Bukhari began writing very early, compiling his first book at the age of 18, when he was in Madinah. Afterwards he wrote a number of books. But the most famous and important of all of his books is *Sahih* Bukhari. It is considered by almost all the traditionists to be the most authentic book in hadith literature. The author himself read it out to 90,000 students. It made his name immortal.

Imam Bukhari devoted the greatest care and attention to this great work. He is said to have been inspired to compile the *Sahih* after hearing a remark made by his teacher, Ishaq ibn Rahwayh (782-852) that he wished that some of the traditionists would compile short but comprehensive books containing only genuine traditions. Al-Bukhari thereupon resolved to work at this great task, and indeed, he devoted his entire life to it. He explored all the traditions known to him and selected only those which were entirely authentic. He collected 600,000 traditions from 1000 shaikhs over a period of sixteen years of hard work. From this collection he selected only 7275 traditions.

The sincerity of his endeavours was underscored by his practice of invariably performing ablutions and saying a two rakah prayer before recording tradition. The selection was done with great care, each tradition being subjected to the closest scrutiny. He accepted a tradition only when he was fully satisfied that all the narrators were completely reliable. He also made it a point to see that all these reporters had met one another. That is, there was proof that one narrator had heard the hadith from another narrator.

Another feature of his collection is that his chapters are arranged according to their subject matter under separate headings. These headings are mostly taken from some verse from the Quran. Sometimes he finds the wording of his heading in the traditions themselves.

As we have seen, the main purpose of Bukhari's quest was to collect only genuine traditions. That is, he wanted to collect only those traditions, which were handed down to him on the authority of reliable companions, who were unanimously accepted to be honest and trustworthy. His next most important task was to be certain that these narrators possessed retentive memories. The third point he had to ensure was that the accounts they gave did not contradict those of other reliable narrators.

He classified these traditions according to subject matter, such as prayer, pilgrimage, jihad, etc., dividing his work into more than 100 books, which were again subdivided into 3450 chapters. Every chapter has a heading. This heading provides the key to the contents of the traditions in that chapter. This has made his *Sahih* very easy to consult, even for beginners.

Because of all these positive features, the *Sahih* Al Bukhari has been rightly considered to be an authority next only to the Quran. Many commentaries have appeared, in which every aspect of the book has been thoroughly discussed.

"His collection," writes Philip K. Hitti, in his book *History of the Arabs* "has acquired a quasi-sacred character. An oath taken on it is valid, as if taken on the Quran itself. Next to the Quran this is the book that has exerted the greatest influence over the Muslim mind."

Imam Muslim (204-261)

Imam Muslim ibn al Hajjaj of Nishapuri belonged to the Qushayri tribe of Arabia, which played an important part in Islamic history. Many of his clan members had been the Prophet's companions.

After the Muslim conquests, a large number of Arab families migrated and settled in the newly conquered provinces, where many of his tribesmen held important posts, e.g. Kulthum b. Iyaz was governor of Africa. His forefathers too occupied important positions during the time of the four Caliphs. Imam Muslim inherited a large fortune from his father, who was also a well-known traditionist of his time.

Imam Muslim was gifted with great intelligence and a sharp memory. First of all, he studied Arabic literature and other sciences taught in his times. Later on he developed a keen interest in the study of hadith. He began by learning hadith from the great scholars, including Imam Bukhari, who were at that time in Nishapur. This town, situated in a central place enjoyed great prestige at that time. Afterwards, he undertook long journeys to collect traditions from other scholars of repute. He went to most of the important centres of learning in Persia, Mesopotamia, Syria and Egypt, where he attended the lectures of most of the important traditionists of his time, including Ishaq ibn Rahwayh and Imam Ahmad ibn Hambal.

After finishing his studies, he came back to Nishapur and devoted his life to the service of hadith. He died in 261/874 on account of having consumed too many dates. One day he was so engrossed in investigating a particular hadith, that he just did not notice that he had eaten all the dates in the container one by one. Consequently, he took ill and died in 874.

Imam Muslim was of an excellent character—honest, truthful and peace-loving. He wrote many books and treatises on hadith, and other related subjects. The most important of his works is his *Sahih*. Some scholars have regarded it as the best work on the subject. Imam Muslim examined 300,000 traditions before the completion of this book. Out of his large collection he included only 4000 traditions. One great feature of his book is that he selected only those traditions which were free of all defects and were unanimously accepted by the great hadith scholars.

Imam Muslim strictly observed the principles of the science of hadith. He was even stricter than Imam Bukhari in pointing out the differences between the accounts of various narrators, their character and other details. He shows greater ability in the arrangement of traditions.

Moreover, he wrote a long introduction to his book explaining the principles followed by him as regards the choice of the material for his book.

Thanks to the utmost care having been taken in its completion, the *Sahih* of Imam Muslim has been acknowledged as one of the most authentic

collections of traditions after that of *Sahih* al Bukhari. So far as the beauty of its arrangement is concerned, it is held superior to *Sahih* al Bukhari. Although some scholars, including Imam Nasai, held the *Sahih* of Al Muslim superior to that of al Bukhari, the majority of the scholars have held the latter superior, the main reason being that when Imam Bukhari started working, he had no example before him for such a project. His contribution is very great by the virtue of fact that he managed to save all the authentic traditions by collecting them so painstakingly. On the contrary, Imam Muslim had *Sahih* al-Bukhari as an example. He had every opportunity to learn from both its salient features as well as its defects. Imam Muslim himself recognized the superiority of his predecessor.

The *Sahih* of Imam Muslim is regarded as next to Al-Bukhari in accuracy and authenticity. Any tradition which is accepted by both Al-Bukhari and Muslim has been termed as 'agreed upon'. And these 'agreed upon' traditions are considered to be the most reliable.

Imam Muslim has added to his work an introduction to the science of tradition. His work consists of 52 chapters dealing with the common subjects of hadith, such as the five pillars of Islam, marriage, the laws of heredity, war, sacrifice, manners and customs, etc. The book closes with a short chapter on the *tafsir* (exegesis) of the Quran. The longest chapter, the opening chapter of *Sahih* Muslim is on *Iman* (Belief).

UNIT 10

Introduction To Fiqh

(I) THE MEANING OF FIQH

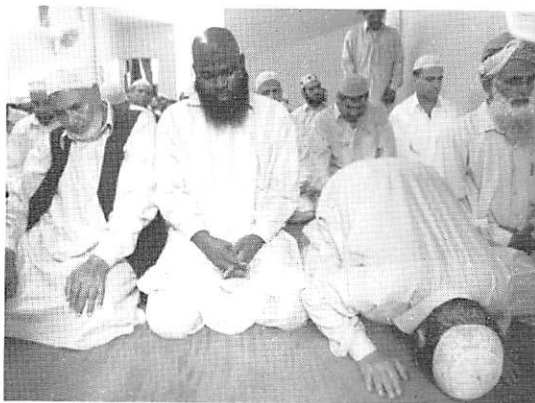
Fiqh literally means an understanding and knowledge of something. In more than one place, the Quran has used the word *fiqh* in its general sense of 'understanding.' In the early days of Islam the terms *ilm* (knowledge) and *fiqh* were frequently used interchangeably to denote an understanding of Islam in general. This shows that in the Prophet's time the term *fiqh* was not

understood in the legal sense alone i.e, synonymous with law. The Prophet once blessed ibn Abbas (d. 68 A.H.) in these words: '*Allahumma faqqih ho fiddin*', that is, 'O God, give him understanding in religion'. By these words the Prophet did not mean exclusively knowledge of law. He meant a deeper understanding of religion.

Technically, *fiqh* refers to the science of deducing Islamic laws from evidence found in the sources of Islamic jurisprudence. The sources of law are four and are explained in detail below: the Quran, the *Sunnah*, *ijma* and *qiyas*. But by extension of meaning, *fiqh* also means the body of Islamic law deduced in this way.

Shariah literally means a 'route to the watering place' or a 'visible and well marked- out trail'. Hence, in Islam it means a 'clear path' or a 'highway' to be followed by all the believers. The Quran uses the term *shariah* with the meaning of *din* (religion), that is a way, ordained by God for man to travel on in the course of his life. The word *shariah* was used in the Prophet's time for the essentials of Islam, that is, the sum total of Islamic laws that were revealed to the Prophet of Islam in the form of the Quran.

The Prophet, besides conveying the revelation, gave orders as well.



These orders and exhortations of the Prophet were firmly based on revelation, but did not form part of the Quran. They are called the *Sunnah*, which is the second source of Islamic law, the first being the Quran.

Fiqh is thus the name given to jurisprudence in Islam. In other words, *fiqh* or the science of Islamic law, is the study of one's rights and obligations, derived from the Quran and the *Sunnah* of the Prophet, the consensus of opinion among the learned (*ijma*), and analogical deduction (*qiyas*).

(II) THE ORIGIN AND DEVELOPMENT OF FIQH

Fiqh is the name given to jurisprudence in Islam. In its widest sense, it covers all aspects of religious, political and civil life. In addition to the laws regulating ritual and religious observances (*ibadaat*), it includes also the whole field of family law, the law of inheritance, of property and of contract. In other words it makes provisions for all the legal questions that arise in social life (*muamalat*). It also includes criminal law and its procedure as well as constitutional law and laws regulating the administration of the state and the conduct of war. Laws recognized by religion should regulate all aspects of public and private life; the science of these laws is *fiqh*.

During the time of the Prophet there was no such well-defined science as that which later came to be known as *fiqh* or jurisprudence. The only ideal for the early Muslims was the conduct of the Prophet. They learnt ablutions, saying prayers, performing Hajj, etc., under the instructions of the Prophet and by observing his actions. On certain occasions, cases were brought to the Prophet for arbitration. The Prophet's decisions were taken as models for in other similar cases.

The Companions occasionally asked him questions relating to certain serious problems and the Prophet gave suitable replies to them. People in his lifetime were not interested in unnecessary philosophical discussions or in hairsplitting details. The Companions generally asked the Prophet very few questions. On one occasion when some one put unnecessary questions to him, the Quran asked the Companions to desist from doing so. The result was that the *Sunnah* remained mostly a general directive, interpreted by the early Muslims in different ways. People did not know the details of many a problem, even in the lifetime of the Prophet.

What the Prophet had done was lay down certain regulations, but the jurists elaborated them with many more details. The reason for these further additions to the laws by interpretation is that the Prophet himself had made allowances in his commands. He left many things to the discretion of the community to be decided according to a given situation.

In the early days of Islam the law was neither inflexible nor very rigidly

applied. Different and even contradictory laws relating to many problems could be found acceptable on the basis of argument. It seems that the Prophet provided a wide scope for differences by giving instructions of a general nature, or by validating two diverse actions in the same situation depending on the circumstances. The Prophet aimed at providing opportunities for the application of his guidelines a variety of circumstances in the future. Had the Prophet laid down specific and rigid rules for each problem the coming generations would have been prevented from exercising reason and framing laws according to the need of the hour.

After the death of the Prophet the companions were spread out in different parts of the Muslim world. Most of them came to occupy positions of intellectual and religious leadership. The people of their regions approached them for decisions regarding various problems. They gave their decisions sometimes according to what they had learnt and retained in their memories from the commandments of the Prophet and at other times according to what they understood from the Quran and the Sunnah.

The interpretation of the Quran also caused differences of opinion among the Companions. The points on which the Quranic injunctions were silent or those points not dealt with in detail in the Quran were to be explained. The result was that these verses were sometimes interpreted in the light of the traditions of the Prophet, and sometimes on the basis of the jurists' opinions. Moreover since the traditions themselves were diverse, it was natural that there were differences.

In some cases, a Companion did not know a particular hadith; hence he decided the problem on the basis of his own opinion. When the relevant hadith was brought to his notice, he withdrew his personal judgement. On this account, Umar, the second caliph, changed his opinion several times.

On certain occasions it so happened that the relevant hadith was available but the reporter himself could not understand its real meaning. Ibn Umar is reported to have narrated a hadith from the Prophet that a deceased person is punished on account of the mourning of his relatives. When this tradition came to the attention of Aisha, she rejected it saying that Ibn Umar might have been mistaken, or might have forgotten some relevant part of the tradition. She also observed that the hadith reported by Ibn Umar goes against the Quranic verse: 'No soul bears the burden of another.'

The Companions, however, tried their best to base their decisions on the Quran and Sunnah. They aspired to keep their decisions and personal judgements as much close to those of the Prophet as possible. Despite their differences, they did not deviate from the spirit of the Quran and Hadith.

The Successors took their stand on the opinions expressed by the Companions. They retained in their memory the hadith of the Prophet and the opinions of the Companions and made attempts to reconcile opposite

opinions. The Successors exercised *ijtihad*¹ in two ways. First of all, they were not afraid of giving preference to the opinions of one Companion over another, and sometimes, even to the opinions of a Successor over those of a Companion. Secondly, they engaged in original thinking themselves. In fact, the real formation of Islamic law starts in a more or less professional manner with the Successors.

With the Successors, Islamic law began to take its formal shape and develop into an independent subject of study. In this age the principles that governed *fiqh* were the Quran, Sunnah and Qiyas (deductive reasoning). The Prophet himself introduced these principles.

As we have seen above, the practice of Islamic jurisprudence came into existence with the advent of Islam, but it developed into a regular discipline in the second century A.H. Abu Hanifa played the leading role in this gigantic task of compilation and systematization of Islamic Law. By Abu Hanifa's time the accepted rules of *fiqh* had not been collected and had not yet been systematized into a regular discipline, if they were perpetuated, it was by being passed on verbally. There were no strict methods of reasoning, no rules for derivation of orders, no grading of Traditions, and no principles of analogical deduction. *Fiqh* had a long way to go before becoming a system.

At the time of the Successors, Islamic law began to take its formal shape and develop into an independent subject of study. Finally, four orthodox schools of legal thought emerged. These are called *madhhab* in Arabic. The *madhhabs* were named after the famous jurists of the time: Abu Hanifa (699-767 A.D.), Malik ibn Anas (719-795 A.D.) al-Shafii (767- 819 A.D.) and ibn Hambal (d. 855 A.D.)

Abu Hanifa is considered the founder of the Hanafi school of law (*madhhab*) and his thinking was committed to writing by his disciple, Abu Yusuf (d. 768) in his work "Kitab al-Kharaj". Of all the founders of schools of Islamic Law, Abu Hanifa was the most open- minded, trying to use the sources of law in such a manner that future generations could make use of his rulings, even in very changed circumstances. The adherents of the Hanafi school are most numerous and live in the countries previously forming part of the Ottoman Empire, in Central Asia and on the Indian subcontinent.

Imam Malik ibn Abas (d. 795) was the leader of the Medinan school and his work 'Al-Muwatta' is the oldest surviving corpus of Muslim law. 'Al-Muwatta' (*The Path Made Smooth*) is the chief work of Imam Malik and the Malikite school of jurisprudence is based on this book. It deals not only with the sayings of the Prophet, but also with the opinions of several famous jurists of Madinah. It also contains Imam Malik's personal views on various matters of Islamic law. To Imam Malik the practice of Madinah, the city of the Prophet, is the primary source of law, and the *ijma* (consensus) and *ra'y* (opinion) is the secondary source. His followers comprise Malik, school of

thought and are found in northern and eastern Africa with the exception of Lower Egypt as well as in Maghreb and Andalusia.

The founder of the Shafi'i school, al-Shafi'i studied under Imam Malik in Madinah but lived and taught mostly in Baghdad and Cairo. His followers can be found in areas of Lower Egypt, Palestine, Syria, western and southern Arabia, and the East Indies.

Imam Hambal (d. 855) was the most orthodox of the jurists of his times. The Hambali school has the fewest adherents and in the modern world it is centered in Saudi Arabia. The Wahabis were his followers.

The Shias have their own legal school, based on the concept of the infallible imam, tracing his spiritual descent from 'Ali ibn Abi Talib.

Every Muslim has to follow one of the four orthodox schools of thought (*madhhab*) in all matters pertaining to religion and social life.

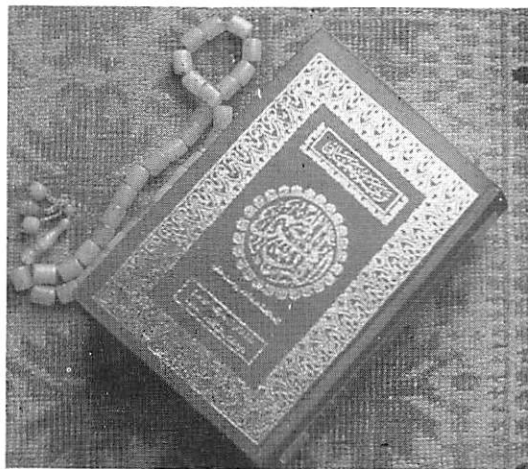
(III) THE SOURCES OF FIQH

There are four sources of fiqh or Islamic law: a) Quran; b) Hadith; c) Ijma; d) Qiyas.

a) The Quran

The Quran is the fundamental and main source of Islamic jurisprudence from which all other sources derive their authority. It consists of the very word of God revealed to the Prophet Muhammad over a period of twenty-three years (608-632 A.D.). That is why law in Islam is divine in origin.

The texts of the Quran connected with the rules of Islamic law occur in the following chapters: *Al Baqara, An-Nisa, Al-Imran, Al-Maidah, An-Nur, and Banu Israil.*



These rules pertain to:

- i. Reform in unlawful heathen customs, such as gambling, drinking of intoxicants, usury, etc.
- ii. Social reforms dealing with matters such as marriage, the position of women, divorce, the chastity of men and women, etc.

- iii. Criminal laws relating to punishment for theft, slander, murder etc.
- iv. International law of war and peace, and directions relating to the treatment of non-Muslims and the protection of their rights, etc.

b) The Hadith

The Quran is the fundamental basic source of Islamic jurisprudence. Next in importance and authority comes the hadith. The hadith itself derives its authority and legal validity from the Quran.

Hadith means 'narration' of the sayings, deeds and approval of the Prophet. The Quran generally deals with the broad principles or essentials of religion, going into details in rare cases. The Prophet himself usually supplied the details, either by showing in his conduct how an injunction should be carried out, or by giving verbal explanation.

The Quran says,

"Obey God and obey the messenger." (4:58)

"Whatever the messenger gives you, take it... and whatever he forbids, abstain from it..." (59: 7)

"And truly, in the messenger of God you have a good example for those who look to God and the Last Day and remembers God always." (33: 21)



In the light of these verses one can infer that following of the hadith is binding on us. The hadith provides us with guidance in matters of legislation. It does not deviate from the Quran: it is in compliance with it.

The Quran and the the hadith are the main sources, to which all other sources are secondary. The Book, however, is the first source and the structure on which the hadith is based, and from which it does not deviate.

The importance of the hadith is increased by the fact that the Prophet Muhammad not only theorised, but also had the opportunity to put its teachings into practice in all affairs of life, both spiritual and temporal.

c) Ijma (consensus of Juristic opinion)

Ijma is the third source of Islamic jurisprudence. It is derived from the Arabic word *jama* (to add) and in Islamic legal terminology, *ijma* signifies

consensus of opinion among the jurists of a particular age on a question of law. Jurists have defined *ijma* as an “agreement of the Muslim jurists of a particular period on any matter or point of Islamic law.”

Ijma derives its authority or legal validity from the Quran and hadith. The Quran says: “Obey God and obey the Prophet and those amongst you who have authority” (4:57); and also, “If you yourself do not know, then question those who do.” (16: 57).

The Prophet Muhammad says: “My followers will never agree upon what is wrong.”

Ijma may be based on the Quran, hadith or analogy. This is the view of all the Sunni schools. That *ijma* is an essential principle of Sunni jurisprudence, was proven by its use immediately after the death of the Prophet. The Muslim community acted upon it as soon as they were called upon to solve the first and most important constitutional problem that arose on the Prophet’s death. That is, the selection of the head of the community. The election of Abu Bakr to the caliphate by the votes of the people was based, as is well known, on the principle of *ijma*. All the Sunnis accept it as a source of Islamic jurisprudence. The Shafi’is and the Malikis recognize the authority of *ijma* not merely in religious matters but also in temporal affairs

Ijma is responsible for the further development of Islamic law after the completion of the Prophet’s mission to humanity. Islam is a preserved religion and its Prophet is the last one. In the Quran only fundamental principles of legislation are given and in the matters on which there is no explicit order, God has permitted the exercise of *ra’y* or ‘individual opinion’. But a consensus of opinions of jurists, or *ijma*, is superior to individual opinions of experts on Islamic legal science.

The Quran is the main source of jurisprudence. All the other sources derive their authority from it. It contains all the fundamental principles required for the further development of legal ruling. In spiritual matters, it is conclusive, but in temporal matters it merely lays down the basic principles. The details are to be filled in from the hadith. In the absence of any Qur’anic instruction, or because of the lack of hadith on any point of law, one is permitted to use one’s discretion, provided it is in conform with the spirit of the Quran and the hadith. This is not only lawful but also laudable. Opinion may take various shapes. When it is individual, it is called *ijtihad* or *ra’y*, and when there is a concurrence of the opinion of a number of jurists, it is called *ijma*. In other words, *ijma* is a collective opinion of jurists. Thus it is quite evident that *ijma* is a superior type of opinion. In the absence of any relevant order of the Quran or Hadith, *ijma* assumes the status of law.

d) Qiyas (analogical deduction)

Qiyas is an important source of Islamic jurisprudence and is regarded as an instrument in solving legal issues on the basis of reasoning based on original texts. All four schools of Sunni jurisprudence accepted that in matters, which have not been provided for by the Quran or percepts of the Prophet and *ijma*, the law might be deduced from what has been laid down by any of these three authorities through the use of *qiyas*, which is generally translated as 'analogy'.

Qiyas literally means 'to weigh' or 'to measure' but, as a term of Islamic jurisprudence, it denotes the process by which a rule of law is deduced from the original text in view of a common cause (*illat*).

As a source of law, *qiyas* is defined by the Hanafis in the following manner "an extension of law from the original text. In this process analogical deduction or *qiyas* is applied to a particular case by means of a common *illat* or effective cause."

Qiyas is a process of deduction by which the law of a text is applied to cases, which, though not covered by the literal language of the text, are governed by the reasoning given in the text. The reason of the text, or *illat*, or effective cause, is the *sukn*¹, i.e., a constituent of analogy and the extension of the law of the text. This process is applied in such cases, with legal effect (*hukum*), which are not directly covered by the text. Analogy is a subsidiary source of law and derives its authority from the Quran, hadith and *ijma*, which are its bases (*asl*) or texts (*nass*).

Qiyas in the light of the Quran and hadith

In deciding legal issues, the Prophet Muhammad himself always relied on the Quran and on *qiyas*. Instructions to Mu'adh bin Jabal clearly show how he approved of *qiyas* in deciding questions of law. In the 10th year of Hijra, Mu'adh was appointed governor of Yemen. Before he proceeded there, he met the Prophet, who asked him: "How shall you decide cases?" Mu'adh ibn Jabal replied, "According to the Book of God (Quran)". The Prophet said, "And if it is not (to be found) in the Book of God?" Mu'adh replied, "I will decide them according to the Hadith." The Prophet remarked, "Even if you don't find it in the Hadith?" Mu'adh said, "Then I will use my discretion", The Prophet appreciated this reply. This indicated the approval of the Prophet Muhammad of *qiyas* as a source of *fiqh*.

All the four Sunni schools of jurisprudence accepted *qiyas* as a valid source of law. But *qiyas* may be used only in the light of the Quran and hadith, otherwise it will be invalid.



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Speech and Knowledge Competition 2023

Knowledge Test: History - Palestine and Al-Aqsa Mosque

Before the arrival of the Israelites, the land of Palestine was inhabited by various ancient peoples and tribes, such as Canaanites, Philistines, Amorites. The most prominent group in the region were the Canaanites. They were an ancient Semitic-speaking people who lived in the area from at least the 3rd millennium BCE. The term "Canaan" itself was often used to refer to this region in ancient times.

Prophet Ibrahim (A) was born in Ur, ancient Mesopotamia (now Iraq). His stance against idolatry caused conflict, leading him from Ur to Harran (in present-day Turkey), where he preached monotheism. Commanded by God, he moved to Canaan (covering modern-day Palestine, Lebanon, Jordan, and Syria). Facing famine, he and his wife Sarah temporarily relocated to Egypt, then returned to Canaan with Hagar. Obeying God, Ibrahim left Hagar and his son Ishmael in Mecca, where he later built the Kaaba. Ibrahim died in Canaan, buried in Hebron, leaving behind his sons Ishmael in Mecca and Isaac in Canaan.

The Al-Aqsa Mosque, linked with multiple prophets, was first built by Ibrahim (A) after constructing the Kaaba. This came to be known as Beteyel (meaning the House of Allah in Hebrew).

When prophet Yusuf (as) had attained power in Egypt, he invited his family—father, mothers and brothers—to live with him in Egypt. They readily accepted the offer and moved from Palestine to Egypt. No one from Yaqub's (as) family was left to take care of Beteyel/Masjid al-Aqsa. Thus, he gave charge of the masjid to the local inhabitants, the Palestinians.

The Israelite arrived in Canaan (Palestine) in the 13th century BCE with Musa (A).

Prophet Musa (A) was born in Egypt during the Israelites' persecution. To evade Pharaoh's decree to kill Israelite newborns, his mother placed him in the Nile; he was later raised in Pharaoh's household. Fleeing Egypt after an accidental killing, Musa (A) settled in Midian, marrying one of Prophet Shuaib's (A) daughters in exchange for labor. Allah later commanded him to liberate the Israelites from Egypt. Leading them out, Musa parted the Red Sea to escape Pharaoh's army.

Musa guided the Israelites towards Canaan (Palestine), but their refusal to enter it due to fear of formidable inhabitants led Allah to have them wander the desert for 40 years. A later generation eventually entered Canaan.



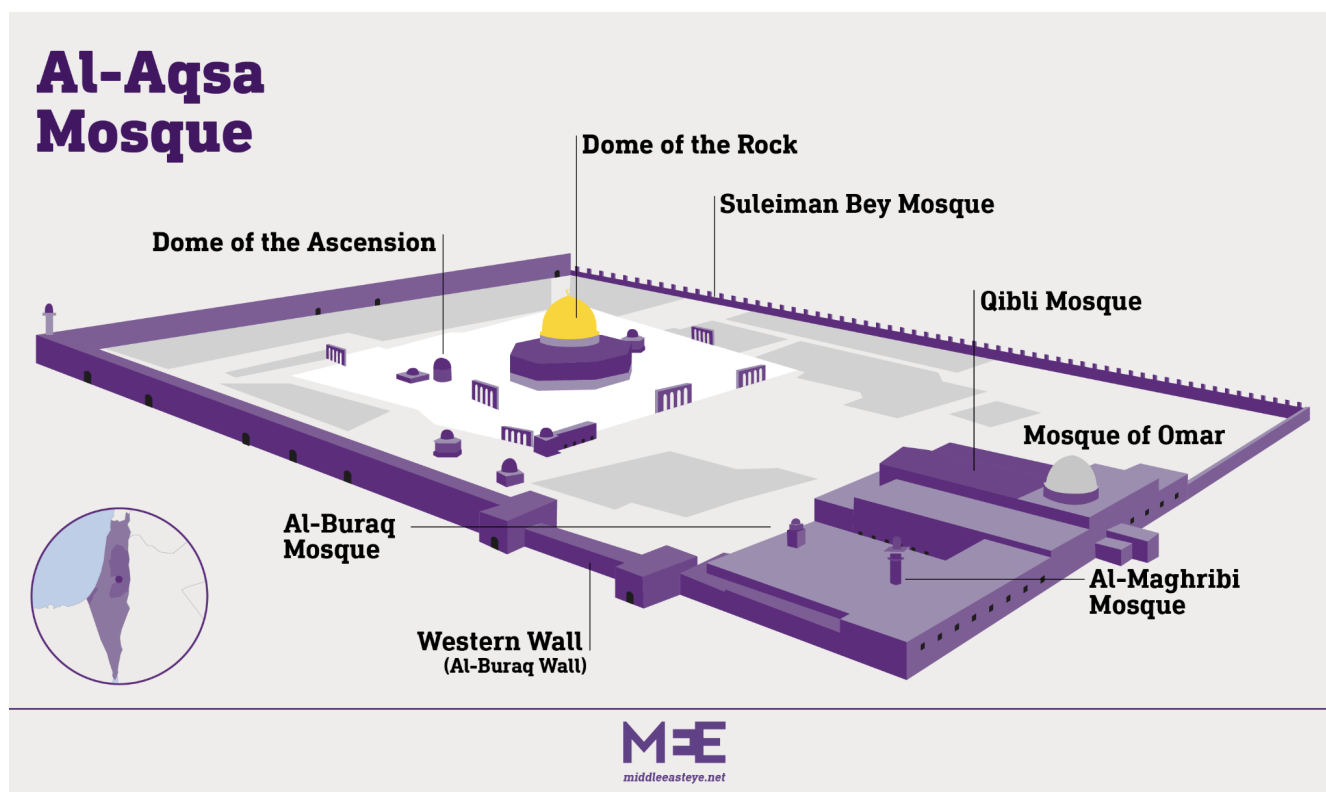
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During Prophet Samuel's (A) time, the leaderless Bani Israel sought a king, leading to Allah appointing Talut. In a subsequent battle against the Philistines, the young shepherd Dawud (David) defeated the giant Jalut (Goliath) with a stone, showcasing his faith and Allah's support, leading to an Israelite victory.

Haram al-Sharif (the noble Sanctuary) or Al-Aqsa Compound or Temple Mount Complex holds immense significance in Islamic religious tradition as well as history. It was Sulayman (as) who rebuilt the temple (Masjid al-Aqsa) with the support and help of the indigenous people, principally the Palestinians. The Babylonian laid siege to Jerusalem and took over the city and Palestine in 587 BC. They destroyed the temple/Masjid al-Aqsa and enslaved all the people. The Persian King Cyrus the Great rescued the Bani Israel after seventy years of slavery in Babylon and permitted them to return to Palestine. In the year 70 CE, the Romans captured Jerusalem and destroyed the temple one more time.



Hazrat Maryam (A) was under the care of Prophet Zakariya (A). She stayed in a mihrab in the Al-Aqsa compound at Jerusalem, where angels used to bring food for her from heaven. Hazrat Isa (A) lived and preached in the Al-Aqsa compounds.



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Al-Aqsa mosque is known as the first qibla of Muslims—the direction toward which Muslims face to offer their salat—as well as the third holiest site in Islam. It is built on the site where the noble Messenger (saws) led all the earlier Prophets in prayer when he was transported by night from Masjid al-Haram before his Miraj (ascension to Heaven). Umar Ibn Al-Khattab, may Allah be pleased with him, is the first one then who restored Al-Aqsa. He recognized the sight but nothing was built. When Abdul-Malik Ibn Marwan held the office in the year 66 A.H., he rebuilt Al-Aqsa and the Dome of the Rock.



According to the **Jewish people**, the First Temple (Solomon's Temple) was built on the Al-Aqsa compound during the reign of King Solomon (Prophet Sulaiman) in the 10th century BCE. The temple was the central place of worship for the Jewish people and the primary symbol of their religion and nationhood. It was the most sacred site in ancient Judaism. The First Temple was destroyed by the Babylonians in 586 BCE during the conquest of Jerusalem, leading to the Babylonian Exile of the Jewish people. The Second Temple was built on the same site following the return of the Jewish people from Babylonian exile around 516 BCE. The Second Temple was destroyed by the Romans in 70 CE.

For Christians, Al-Aqsa compounds are significant as part of the historical and religious context in which Jesus lived and preached, and they feature in several New Testament narratives. The First and Second temples are important in Christian tradition because Jesus interacted with these sites. According to the New Testament, Jesus was presented at the Temple as a child, he taught at the Temple during his ministry, and he predicted the destruction of the Second Temple.



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History of Palestine State

Balfour Declaration

British Foreign Secretary, Arthur James Balfour, issued the Balfour Declaration on November 2, 1917, a letter to Lord Rothschild, a leader of the British Jewish community. The declaration expressed the British government's support for the establishment of "a national home for the Jewish people" in Palestine. Several factors and considerations led to this declaration:

- Zionist Movement's Lobbying: The Zionist movement, advocating for the creation of a Jewish homeland in Palestine.
- British Strategic Interests: During World War I, Britain had strategic interests in the Middle East, including maintaining access to trade routes and countering the influence of the Ottoman Empire. Supporting a Jewish homeland in Palestine was seen as a way to secure British interests in the region.
- War-Time Diplomacy: Britain sought Jewish support, particularly in the United States and Russia, to bolster the Allies' position in World War I. The British government believed that supporting Zionist aspirations would help to garner this support.

A British Mandate was created in 1923 and lasted until 1948. During that period, the British facilitated mass Jewish immigration – many of the new residents were fleeing Nazism in Europe.

1930s Arab Revolt:

- Escalating tensions eventually led to the first Arab Revolt, which lasted from 1936 to 1939.
- In April 1936, the newly formed Arab National Committee called on Palestinians to launch a general strike
- The six-month strike was brutally repressed by the British, who launched a mass arrest campaign and carried out punitive home demolitions
- The second phase of the revolt began in late 1937 and was led by the Palestinian peasant resistance movement





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- By the second half of 1939, Britain had massed 30,000 troops in Palestine.
- the British collaborated with the Jewish settler community and formed armed groups
- In those three years of revolt, 5,000 Palestinians were killed, 15,000 to 20,000 were wounded and 5,600 were imprisoned.
- An estimated 376,415 Jewish immigrants, mostly from Europe, arrived in Palestine between 1920 and 1946

UN Partition Plan

- By 1947, the Jewish population had ballooned to 33 percent of Palestine, but they owned only 6 percent of the land.
- The United Nations adopted Resolution 181, which called for the partition of Palestine into Arab and Jewish states.
- The Palestinians rejected the plan because it allotted about 55 percent of Palestine to the Jewish state, including most of the fertile coastal region.
- At the time, the Palestinians owned 94 percent of historic Palestine and comprised 67 percent of its population.

1948 Nakba - the ethnic cleansing of Palestine

- In April 1948, more than 100 Palestinian men, women and children were killed in the village of Deir Yassin on the outskirts of Jerusalem.
- That set the tone for the rest of the operation, and from 1947 to 1949, more than 500 Palestinian villages, towns and cities were destroyed in what Palestinians refer to as the Nakba, or “catastrophe” in Arabic.
- An estimated 15,000 Palestinians were killed, including in dozens of massacres.
- The Zionist movement captured 78 percent of historic Palestine. The remaining 22 percent was divided into what are now the occupied West Bank and the besieged Gaza Strip.
- An estimated 750,000 Palestinians were forced out of their homes.
- Today their descendants live as six million refugees in 58 squalid camps throughout Palestine and in the neighbouring countries of Lebanon, Syria, Jordan and Egypt.
- On May 15, 1948, Israel announced its establishment.
- The following day, the **first Arab-Israeli war** began and fighting ended in January 1949 after an armistice between Israel and Egypt, Lebanon, Jordan and Syria.
- In December 1948, the UN General Assembly passed Resolution 194, which calls for the right of return for Palestinian refugees.



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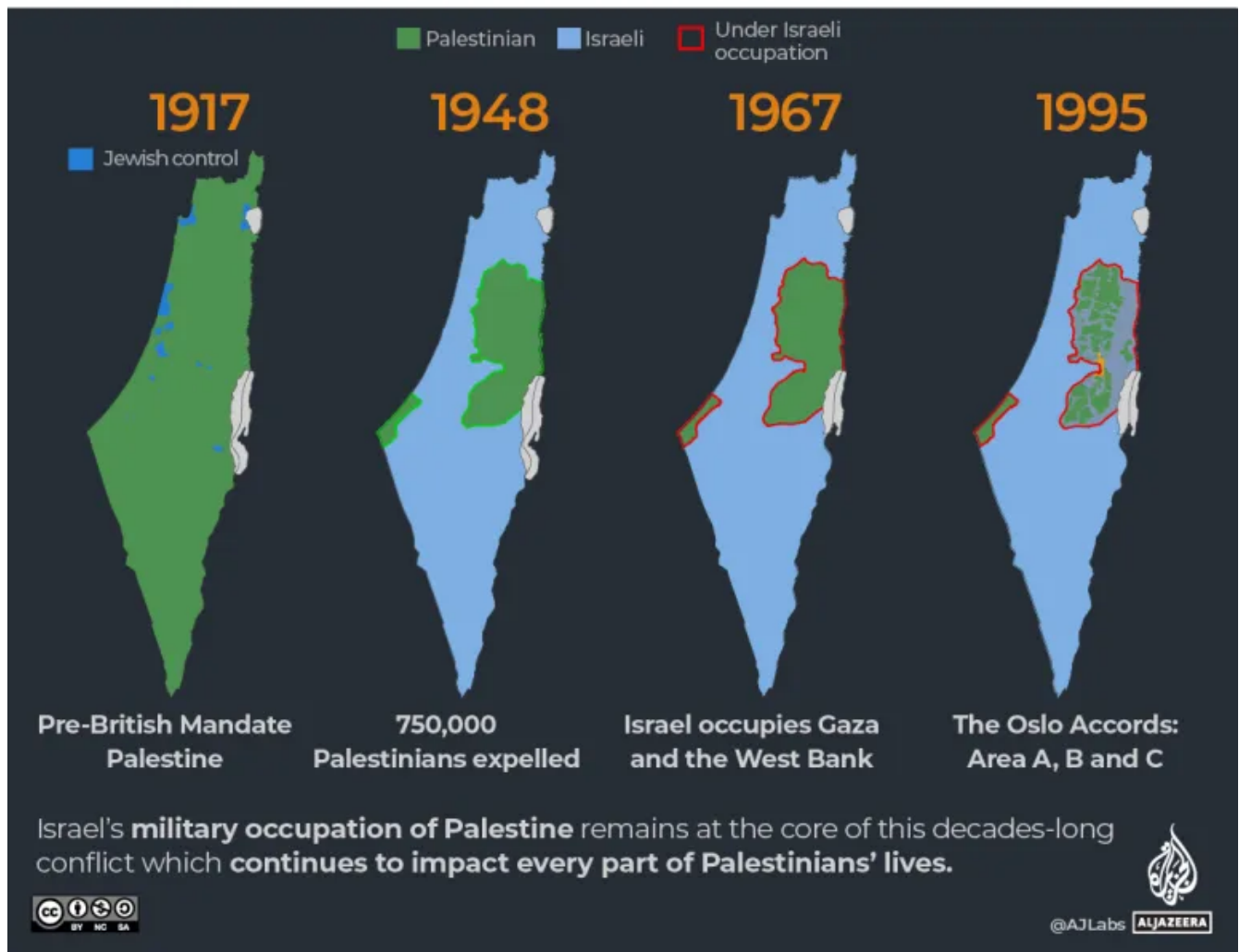
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THE NAKBA

What is the Nakba?

Every year, on

May 15 Palestinians around the world mark the Nakba, or **catastrophe**, referring to the **ethnic cleansing of Palestine in 1948**.



The years after the Nakba

- At least 150,000 Palestinians remained in the newly created state of Israel and lived under a tightly controlled military occupation for almost 20 years before they were eventually granted Israeli citizenship.
- Egypt took over the Gaza Strip, and in 1950, Jordan began its administrative rule over the West Bank.



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- In 1964, the Palestinian Liberation Organisation (PLO) was formed, and a year later, the Fatah political party was established.

Naksa - Six-Day War and the settlements

- On June 5, 1967, Israel occupied the rest of historic Palestine, including the Gaza Strip, the West Bank, East Jerusalem, the Syrian Golan Heights and the Egyptian Sinai Peninsula during the Six-Day War against a coalition of Arab armies.
- For some Palestinians, this led to a second forced displacement, or Naksa, which means “setback” in Arabic.

The first Intifada 1987-1993

- The first Palestinian Intifada erupted in the Gaza Strip in December 1987 after four Palestinians were killed when an Israeli truck collided with two vans carrying Palestinian workers.
- Protests spread rapidly to the West Bank with young Palestinians throwing stones at Israeli army tanks and soldiers.
- In 1988, the Arab League recognised the PLO as the sole representative of the Palestinian people.
- According to the Israeli human rights organisation B’Tselem, 1,070 Palestinians were killed by Israeli forces during the Intifada, including 237 children. More than 175,000 Palestinians were arrested.

The Oslo years and the Palestinian Authority

- The Intifada ended with the signing of the Oslo Accords in 1993 and the formation of the Palestinian Authority (PA), an interim government that was granted limited self-rule in pockets of the occupied West Bank and Gaza Strip.
- The PLO recognised Israel on the basis of a two-state solution and effectively signed agreements that gave Israel control of 60 percent of the West Bank, and much of the territory’s land and water resources.
- The PA was supposed to make way for the first elected Palestinian government running an independent state in the West Bank and Gaza Strip with its capital in East Jerusalem, but that has never happened.
- Critics of the PA view it as a corrupt subcontractor to the Israeli occupation that collaborates closely with the Israeli military in clamping down on dissent and political activism against Israel.
- In 1995, Israel built an electronic fence and concrete wall around the Gaza Strip, snapping interactions between the split Palestinian territories.

The second Intifada

- The second Intifada began on September 28, 2000, when Likud opposition leader Ariel Sharon made a provocative visit to the Al-Aqsa Mosque compound with thousands of security forces deployed in and around the Old City of Jerusalem.



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- Clashes between Palestinian protesters and Israeli forces killed five Palestinians and injured 200 over two days.
 - At the time the Oslo Accords were signed, just over 110,000 Jewish settlers lived in the West Bank, including East Jerusalem. Today, the figure is more than 700,000 living on more than 100,000 hectares (390sq miles) of land expropriated from the Palestinians.

The Palestinian division and the Gaza blockade

- PLO leader Yasser Arafat died in 2004, and a year later, the second Intifada ended, Israeli settlements in the Gaza Strip were dismantled, and Israeli soldiers and 9,000 settlers left the enclave.
- A year later, Palestinians voted in a general election for the first time.
- Hamas won a majority. However, a Fatah-Hamas civil war broke out, lasting for months, resulting in the deaths of hundreds of Palestinians.
- Hamas expelled Fatah from the Gaza Strip, and Fatah – the main party of the Palestinian Authority – resumed control of parts of the West Bank.
- In June 2007, Israel imposed a land, air and naval blockade on the Gaza Strip, accusing Hamas of “terrorism”.



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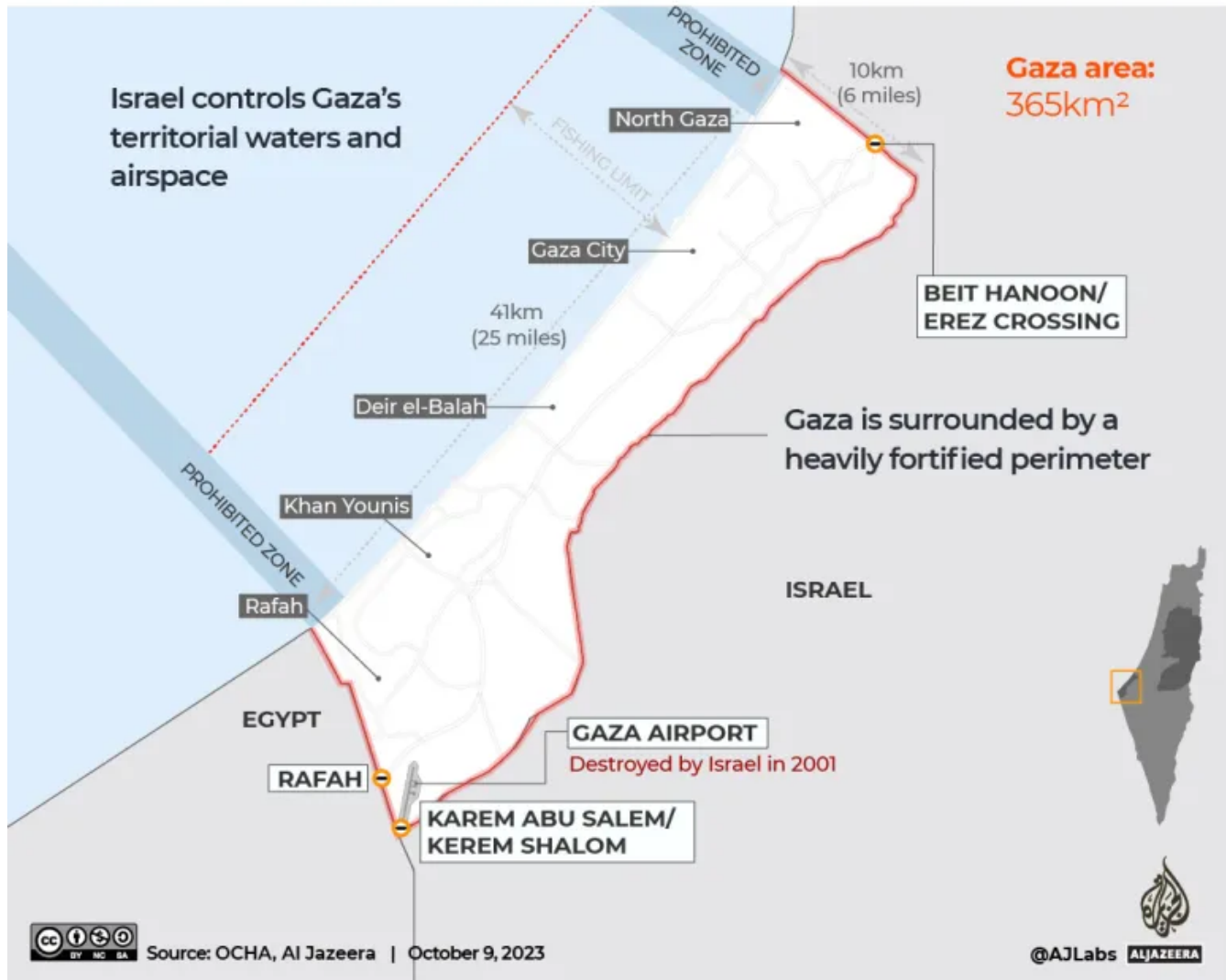
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ISRAEL-PALESTINE CONFLICT

The besieged Gaza Strip

The Palestinian enclave – home to some 2.3 million people – has been under an **Israeli air, land and sea blockade** since 2007.



The wars on the Gaza Strip

- Israel has launched four protracted military assaults on Gaza: in 2008, 2012, 2014 and 2021. Thousands of Palestinians have been killed, including many children, and tens of thousands of homes, schools and office buildings have been destroyed.
- Rebuilding has been next to impossible because the siege prevents construction materials, such as steel and cement, from reaching Gaza.